

Senator Cohen introduced--

S.F. No. 58: Referred to the Committee on Elections.

1                                   A bill for an act  
2           relating to the legislature; reducing the number of  
3           members of the senate and house of representatives;  
4           amending Minnesota Statutes 2004, sections 2.021;  
5           2.031, subdivision 1; repealing Minnesota Statutes  
6           2004, section 2.031, subdivision 2.  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
8           Section 1. Minnesota Statutes 2004, section 2.021, is  
9           amended to read:  
10           2.021 [NUMBER OF MEMBERS.]  
11           For each legislature, ~~until a new apportionment shall have~~  
12           ~~been made,~~ the senate is composed of 67 45 members and the house  
13           of representatives is composed of ~~134~~ 90 members.  
14           Sec. 2. Minnesota Statutes 2004, section 2.031,  
15           subdivision 1, is amended to read:  
16           Subdivision 1. [LEGISLATIVE DISTRICTS.] The  
17           representatives in the senate and house of representatives are  
18           apportioned throughout the state in 67 45 senate districts and  
19           ~~134~~ 90 house districts. Each senate district is entitled to  
20           elect one senator and each house district is entitled to elect  
21           one representative.  
22           Sec. 3. [REPEALER.]  
23           Minnesota Statutes 2004, section 2.031, subdivision 2, is  
24           repealed.  
25           Sec. 4. [EFFECTIVE DATE.]  
26           Sections 1 to 3 are effective for legislatures elected to

10/07/04

[REVISOR ] CEL/DN 05-0124

1 begin service in January 2007 and thereafter.

APPENDIX  
Repealed Minnesota Statutes for 05-0124

**2.031 APPORTIONMENT.**

Subd. 2. Definition. The terms "county," "town," "township," "city," "ward," "precinct," "census tract," "block," and "unorganized territory" when used in a description of a legislative district in sections 2.043 to 2.703, mean a geographical area established as such by law and as it existed for purposes of the 1990 federal census.

Senators Michel and Hottinger introduced—

S. F. No. 425 Referred to the Committee on Elections

1 A bill for an act

2 proposing an amendment to the Minnesota Constitution,  
3 article IV, section 4; providing staggered terms of  
4 office for senators.

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

6 Section 1. [CONSTITUTIONAL AMENDMENT.]

7 An amendment to the Minnesota Constitution, article IV,  
8 section 4, is proposed to the people. If the amendment is  
9 adopted, the section will read:

10 Sec. 4. Representatives shall be chosen for a term of two  
11 years, except to fill a vacancy. Senators shall be chosen for a  
12 term of four years, except to fill a vacancy, and except as  
13 otherwise required by this article. There shall be an entire  
14 new election of all the senators at the first election of  
15 representatives after each new legislative apportionment  
16 provided for in this article, and at that election senators  
17 elected from odd-numbered districts shall be elected to two-year  
18 terms. The governor shall call elections to fill vacancies in  
19 either house of the legislature.

20 Sec. 2. [QUESTION.]

21 The proposed amendment shall be submitted to the people at  
22 the 2006 general election. The question proposed shall be:

23 "Shall the Minnesota Constitution be amended to require  
24 one-half of the members of the senate, as nearly as practical,  
25 to stand for election at each biennial election of legislators,

1 commencing in 2010?

2

Yes .....

3

No ....."

**Bill Summary****Senate**

Senate Counsel &amp; Research

State of Minnesota

**S.F. No. 2743 - Electronic Transmission of Votes**

**Author:** Senator Pat Pariseau  
**Prepared by:** Peter S. Wattson, Senate Counsel (651/296-3812)  
**Date:** March 13, 2006

S.F. No. 2743 eliminates the authorization, enacted last year, for electronic voting systems that allow voters to cast their votes using a touch-screen or audio ballot reader that captures their vote, prepares a paper record of the vote, and securely transmits the vote to automatic tabulating equipment in the polling place. With this change, the only assistive technology permitted for voters with a disability would be machines that create a paper ballot, rather than a paper record of a ballot.

**Section 1** strikes a reference to the secure electronic transmission of a ballot to automatic tabulating equipment in the polling place from the definition of an audio ballot reader.

**Section 2** strikes a reference to the secure electronic transmission of a ballot to automatic tabulating equipment in the polling place from the definition of a ballot.

**Section 3** strikes a reference to the secure electronic transmission of a ballot to automatic tabulating equipment in the polling place from the definition of an electronic ballot display.

**Section 4** strikes a reference to the secure electronic transmission of a ballot to automatic tabulating equipment in the polling place from the definition of an electronic ballot marker.

**Section 5** eliminates the authority for an electronic voting system that transmits a ballot, rather than just marking it.

**Section 6** strikes a reference to how candidate names would be rotated on the ballot when using an electronic voting system that creates a paper record of each vote and then transmits the vote electronically to automatic tabulating equipment in the precinct.

**Section 7** strikes the authorization for an electronic voting system to create a paper record of a vote and then transmit the vote electronically, rather than creating a paper ballot.

**Section 8** strikes the authorization for the Secretary of State to contract for the purchase of electronic voting systems that create a paper record of the vote and transmit a vote electronically, rather than creating a paper ballot.

**Section 9** strikes a reference to how electronic voting systems that transmit a vote electronically to automatic tabulating equipment in the precinct would be tested by local election officials before each election.

**Section 10** strikes a reference to the responsibility of the official in charge of elections in each municipality to make electronic voting systems that transmit a vote electronically to automatic tabulating equipment in the precinct ready for voting before each election. It also makes **sections 1 to 10** effective the day following final enactment.

PSW:ph

cc: Carolyn LaViolette

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Senators Pariseau, Hottinger, Koch, Scheid and Fischbach introduced—

S.F. No. 2743: Referred to the Committee on Elections.

A bill for an act

relating to elections; setting the criteria for voting systems to be used in elections; amending Minnesota Statutes 2005 Supplement, sections 206.56, subdivisions 1b, 3, 7a, 7b, 8; 206.61, subdivision 5; 206.80; 206.805, subdivision 1; 206.83; 206.90, subdivision 8.

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

Section 1. Minnesota Statutes 2005 Supplement, section 206.56, subdivision 1b, is amended to read:

Subd. 1b. **Audio ballot reader.** "Audio ballot reader" means an audio representation of a ballot that can be used with other assistive voting technology to permit a voter to mark votes on a nonelectronic ballot ~~or to securely transmit a ballot electronically to automatic tabulating equipment in the polling place.~~

Sec. 2. Minnesota Statutes 2005 Supplement, section 206.56, subdivision 3, is amended to read:

Subd. 3. **Ballot.** "Ballot" includes paper ballots, ballot cards, and the paper ballot marked by an electronic marking device, ~~and an electronic record of each vote cast by a voter at an election and securely transmitted electronically to automatic tabulating equipment in the polling place.~~

Sec. 3. Minnesota Statutes 2005 Supplement, section 206.56, subdivision 7a, is amended to read:

Subd. 7a. **Electronic ballot display.** "Electronic ballot display" means a graphic representation of a ballot on a computer monitor or screen on which a voter may make vote choices for candidates and questions for the purpose of marking a nonelectronic



2.1 ~~ballot or securely transmitting an electronic ballot to automatic tabulating equipment~~  
2.2 ~~in the polling place.~~

2.3 Sec. 4. Minnesota Statutes 2005 Supplement, section 206.56, subdivision 7b, is  
2.4 amended to read:

2.5 Subd. 7b. **Electronic ballot marker.** "Electronic ballot marker" means equipment  
2.6 that is part of an electronic voting system that uses an electronic ballot display or audio  
2.7 ballot reader to:

2.8 ~~(1) mark a nonelectronic ballot with votes selected by a voter; or~~

2.9 ~~(2) securely transmit a ballot electronically to automatic tabulating equipment in the~~  
2.10 ~~polling place.~~

2.11 Sec. 5. Minnesota Statutes 2005 Supplement, section 206.56, subdivision 8, is  
2.12 amended to read:

2.13 Subd. 8. **Electronic voting system.** "Electronic voting system" means a system  
2.14 in which the voter records votes by means of marking ~~or transmitting~~ a ballot, so that  
2.15 votes may be counted by automatic tabulating equipment in the polling place where the  
2.16 ballot is cast or at a counting center.

2.17 An electronic voting system includes automatic tabulating equipment; nonelectronic  
2.18 ballot markers; electronic ballot markers, including electronic ballot display, audio ballot  
2.19 reader, and devices by which the voter will register the voter's voting intent; software used  
2.20 to program automatic tabulators and layout ballots; computer programs used to accumulate  
2.21 precinct results; ballots; secrecy folders; system documentation; and system testing results.

2.22 Sec. 6. Minnesota Statutes 2005 Supplement, section 206.61, subdivision 5, is  
2.23 amended to read:

2.24 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation  
2.25 of names of candidates must be observed as far as practicable by changing the order  
2.26 of the names on an electronic voting system in the various precincts so that each name  
2.27 appears on the machines or marking devices used in a municipality substantially an equal  
2.28 number of times in the first, last, and in each intermediate place in the list or group in  
2.29 which they belong. However, the arrangement of candidates' names must be the same  
2.30 on all voting systems used in the same precinct. If the number of names to be alternated  
2.31 exceeds the number of precincts, the election official responsible for providing the ballots,  
2.32 in accordance with subdivision 1, shall determine by lot the alternation of names.

3.1 If an electronic ballot marker is used with a paper ballot that is not an optical scan  
 3.2 ballot card, the manner of alternation of candidate names on the paper ballot must be as  
 3.3 prescribed for optical scan ballots in this subdivision. ~~If a machine is used to securely  
 3.4 transmit a ballot electronically to automatic tabulating equipment in the polling place,  
 3.5 the manner of alternation of candidate names on the transmitting machine must be as  
 3.6 prescribed for optical scan ballots in this subdivision.~~

3.7 Sec. 7. Minnesota Statutes 2005 Supplement, section 206.80, is amended to read:

3.8 **206.80 ELECTRONIC VOTING SYSTEMS.**

3.9 (a) An electronic voting system may not be employed unless it:

3.10 (1) permits every voter to vote in secret;

3.11 (2) permits every voter to vote for all candidates and questions for whom or upon  
 which the voter is legally entitled to vote;

3.13 (3) provides for write-in voting when authorized;

3.14 (4) automatically rejects, except as provided in section 206.84 with respect to  
 3.15 write-in votes, all votes for an office or question when the number of votes cast on it  
 3.16 exceeds the number which the voter is entitled to cast;

3.17 (5) permits a voter at a primary election to select secretly the party for which the  
 3.18 voter wishes to vote;

3.19 (6) automatically rejects all votes cast in a primary election by a voter when the voter  
 3.20 votes for candidates of more than one party; and

3.21 (7) provides every voter an opportunity to verify votes recorded on the permanent  
 3.22 paper ballot ~~or paper record~~, either visually or using assistive voting technology, and to  
 3.23 change votes or correct any error before the voter's ballot is cast and counted, produces  
 3.24 an individual, discrete, permanent, paper ballot ~~or paper record of the ballot~~ cast by the  
 3.25 voter, and preserves the paper ballot ~~or paper record~~ as an official record available for  
 3.26 use in any recount.

3.27 (b) An electronic voting system purchased on or after June 4, 2005, may not be  
 3.28 employed unless it:

3.29 (1) accepts and tabulates, in the polling place or at a counting center, a marked  
 3.30 optical scan ballot; or

3.31 (2) creates a marked optical scan ballot that can be tabulated in the polling place or  
 3.32 at a counting center by automatic tabulating equipment certified for use in this state; ~~or~~

3.33 ~~(3) securely transmits a ballot electronically to automatic tabulating equipment in  
 3.34 the polling place while creating an individual, discrete, permanent paper record of each  
 3.35 vote on the ballot.~~

4.1 Sec. 8. Minnesota Statutes 2005 Supplement, section 206.805, subdivision 1, is  
4.2 amended to read:

4.3 Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance  
4.4 of the commissioner of administration, shall establish one or more state voting systems  
4.5 contracts. The contracts should, if practical, include provisions for maintenance of the  
4.6 equipment purchased. The voting systems contracts must address precinct-based optical  
4.7 scan voting equipment, and ballot marking equipment for persons with disabilities and  
4.8 other voters, ~~and assistive voting machines that combine voting methods used for persons~~  
4.9 ~~with disabilities with precinct-based optical scan voting machines.~~ The contracts must  
4.10 give the state a perpetual license to use and modify the software. The contracts must  
4.11 include provisions to escrow the software source code, as provided in subdivision 2. Bids  
4.12 for voting systems and related election services must be solicited from each vendor selling  
4.13 or leasing voting systems that have been certified for use by the secretary of state. The  
4.14 contracts must be renewed from time to time.

4.15 (b) The secretary of state shall appoint an advisory committee, including  
4.16 representatives of the state chief information officer, county auditors, municipal clerks who  
4.17 have had operational experience with the use of electronic voting systems, and members  
4.18 of the disabilities community to advise the secretary of state in reviewing and evaluating  
4.19 the merits of proposals submitted from voting equipment vendors for the state contracts.

4.20 (c) Counties and municipalities may purchase or lease voting systems and obtain  
4.21 related election services from the state contracts.

4.22 Sec. 9. Minnesota Statutes 2005 Supplement, section 206.83, is amended to read:

4.23 **206.83 TESTING OF VOTING SYSTEMS.**

4.24 Within 14 days before election day, the official in charge of elections shall have the  
4.25 voting system tested to ascertain that the system will correctly mark ~~or securely transmit~~  
4.26 ~~to automatic tabulating equipment in the polling place~~ ballots using all methods supported  
4.27 by the system, including through assistive technology, and count the votes cast for all  
4.28 candidates and on all questions. Public notice of the time and place of the test must be  
4.29 given at least two days in advance by publication once in official newspapers. The test  
4.30 must be observed by at least two election judges, who are not of the same major political  
4.31 party, and must be open to representatives of the political parties, candidates, the press,  
4.32 and the public. The test must be conducted by (1) processing a preaudited group of ballots  
4.33 punched or marked to record a predetermined number of valid votes for each candidate  
4.34 and on each question, and must include for each office one or more ballot cards which  
4.35 have votes in excess of the number allowed by law in order to test the ability of the voting

5.1 system tabulator and electronic ballot marker to reject those votes; and (2) processing an  
5.2 additional test deck of ballots marked using the electronic ballot marker for the precinct,  
including ballots marked ~~or ballots securely transmitted electronically to automatic~~  
5.4 ~~tabulating equipment in the polling place~~ using the electronic ballot display, audio ballot  
5.5 reader, and any assistive voting technology used with the electronic ballot marker. If any  
5.6 error is detected, the cause must be ascertained and corrected and an errorless count must  
5.7 be made before the voting system may be used in the election. After the completion of  
5.8 the test, the programs used and ballot cards must be sealed, retained, and disposed of as  
5.9 provided for paper ballots.

5.10 Sec. 10. Minnesota Statutes 2005 Supplement, section 206.90, subdivision 8, is  
5.11 amended to read:

5.12 Subd. 8. **Duties of election officials.** The official in charge of elections in each  
5.13 municipality where an optical scan voting system is used shall have the electronic ballot  
5.14 marker that examines and marks votes on ballot cards ~~or the machine that securely~~  
5.15 ~~transmits a ballot electronically to automatic tabulating equipment in the polling place~~  
5.16 and the automatic tabulating equipment that examines and counts votes as ballot cards  
5.17 are deposited into ballot boxes put in order, set, adjusted, and made ready for voting  
5.18 when delivered to the election precincts.

5.19 **EFFECTIVE DATE.** Sections 1 to 10 are effective the day following final  
5.20 enactment.

1.1 Senator ..... moves to amend S.F. No. 2743 as follows:

1.2 Page 5, delete lines 19 and 20 and insert:

1.3 "Sec. 11. [206.91] VOTING MACHINES OPTIONS WORKING GROUP.

1.4 (a) A working group is hereby established to investigate and recommend to the  
1.5 legislature requirements for additional options for voting equipment that complies with  
1.6 the requirements of section 301 of the Help America Vote Act, Public Law 107-252, to  
1.7 provide private and independent voting for individuals with disabilities.

1.8 The working group must be cochaired by representatives of the Minnesota Disability  
1.9 Law Center and Citizens for Election Integrity - Minnesota.

1.10 (b) The working group must convene its first meeting by June 2006 and must report  
1.11 to the legislature by February 15, 2007.

1.12 (c) The working group must include, but is not limited to:

1.13 (1) the disability community;

1.14 (2) the secretary of state;

1.15 (3) county and local election officials;

1.16 (4) major and minor political parties;

1.17 (5)(i) one member of the senate majority caucus and one member of the senate  
1.18 minority caucus appointed by the Subcommittee on Committees of the Committee on  
1.19 Rules and Administration;

1.20 (ii) one member of the house majority caucus and one member of the house minority  
1.21 caucus appointed by the speaker;

1.22 (6) nonpartisan organizations;

1.23 (7) at least one individual with computer security expertise and knowledge of  
1.24 elections; and

1.25 (8) members of the public, other than vendors of election equipment, selected  
1.26 by consensus of the other members, including representatives of language and other  
1.27 minorities.

1.28 (d) Members of the working group will be selected by:

1.29 (1) a representative of the OSS;

1.30 (2) a representative the county election officials;

1.31 (3) the cochairs; and

1.32 (4) two legislators representing each party.

1.33 Sec. 12. EFFECTIVE DATE.

1.34 Sections 1 to 11 are effective the day following final enactment."

1.35 Amend the title accordingly

Senator Higgins introduced—

S.F. No. 3364: Referred to the Committee on Elections.

A bill for an act

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

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

Section 1. Minnesota Statutes 2004, section 10A.31, subdivision 6, is amended to read:

Subd. 6. **Distribution of party accounts.** As soon as the board has obtained from the secretary of state the results of the primary election, but no later than one week after certification by the State Canvassing Board of the results of the primary, the board must distribute the available money in each party account, as certified by the commissioner of revenue ~~on September 1~~ one week before the state primary, to the candidates of that party who have signed a spending limit agreement under section 10A.322 and filed the affidavit of contributions required by section 10A.323, who were opposed in either the primary election or the general election, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party account may not be paid in an amount greater than the expenditure limit of the candidate or the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. If a candidate files the affidavit required by section 10A.323 ~~after September 1 of the general election year~~ less than one week before the state primary, the board must pay the candidate's allocation to the candidate at the next regular payment date for public subsidies for that election cycle that occurs at least 15 days after the candidate files the affidavit.

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

2.2 **10A.321 ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.**

2.3 Subdivision 1. **Calculation and certification of estimates.** The commissioner of  
 2.4 revenue must calculate and certify to the board one week before ~~July 1~~ the first day for  
 2.5 filing for office in each election year an estimate of the total amount in the state general  
 2.6 account of the state elections campaign fund and the amount of money each candidate  
 2.7 who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the  
 2.8 candidate's party account in the state elections campaign fund. This estimate must be  
 2.9 based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any  
 2.10 necessary vote totals provided by the secretary of state to apply the formulas in section  
 2.11 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after  
 2.12 100 percent of the tax returns have been processed.

2.13 Subd. 2. **Publication, certification, and notification procedures.** Before the  
 2.14 first day of filing for office, the board must publish and forward to all filing officers  
 2.15 the estimates calculated and certified under subdivision 1 along with a copy of section  
 2.16 10A.25, subdivision 10. Within ~~seven days~~ one week after the last day for filing for  
 2.17 office, the secretary of state must certify to the board the name, address, office sought, and  
 2.18 party affiliation of each candidate who has filed with that office an affidavit of candidacy  
 2.19 or petition to appear on the ballot. The auditor of each county must certify to the board  
 2.20 the same information for each candidate who has filed with that county an affidavit of  
 2.21 candidacy or petition to appear on the ballot. ~~By August 15~~ Within two weeks after the last  
 2.22 day for filing for office, the board must notify all candidates of their estimated minimum  
 2.23 amount. The board must include with the notice a form for the agreement provided in  
 2.24 section 10A.322 along with a copy of section 10A.25, subdivision 10.

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

2.26 Subdivision 1. **Agreement by candidate.** (a) As a condition of receiving a public  
 2.27 subsidy, a candidate must sign and file with the board a written agreement in which the  
 2.28 candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision  
 2.29 10; 10A.31, subdivision 7, paragraph (c); and 10A.324.

2.30 (b) Before the first day of filing for office, the board must forward agreement forms  
 2.31 to all filing officers. The board must also provide agreement forms to candidates on  
 2.32 request at any time. The candidate must file the agreement with the board ~~by September 1~~  
 2.33 ~~preceding the candidate's general election or a special election held at the general election~~  
 2.34 at least one week before the candidate's state primary. An agreement may not be filed  
 2.35 after that date. An agreement once filed may not be rescinded.

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

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

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

3.9 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

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

- 3.15 (1) candidates for governor and lieutenant governor running together, \$35,000;  
3.16 (2) candidates for attorney general, \$15,000;  
3.17 (3) candidates for secretary of state and state auditor, separately, \$6,000;  
3.18 (4) candidates for the senate, \$3,000; and  
3.19 (5) candidates for the house of representatives, \$1,500.

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

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

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

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

3.30 **204B.33 NOTICE OF FILING.**

3.31 (a) ~~Between June 1 and July 1 in each even numbered year~~ At least 15 weeks before  
3.32 the state primary, the secretary of state shall notify each county auditor of the offices to be  
3.33 voted for in that county at the next state general election for which candidates file with the  
3.34 secretary of state. The notice shall include the time and place of filing for those offices.



4.1 Within ten days after notification by the secretary of state, each county auditor shall notify  
4.2 each municipal clerk in the county of all the offices to be voted for in the county at that  
4.3 election and the time and place for filing for those offices. The county auditors and  
4.4 municipal clerks shall promptly post a copy of that notice in their offices.

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

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

4.11 Subdivision 1. **State primary.** The state primary shall be held on the first second  
4.12 Tuesday after the second Monday in September August in each even-numbered year to  
4.13 select the nominees of the major political parties for partisan offices and the nominees for  
4.14 nonpartisan offices to be filled at the state general election, other than presidential electors.

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

4.16 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of  
4.17 nominating elective officers may be held in any city on the first second Tuesday after the  
4.18 second Monday in September August of any an odd-numbered year or on the date of the  
4.19 state primary in an even-numbered year. The municipal primary must be held in the same  
4.20 year in which a municipal general election is to be held for the purpose of electing officers.

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

4.22 Subd. 2. **Date.** The school district primary must be held on the first second Tuesday  
4.23 after the second Monday in September August of an odd-numbered year or on the date of  
4.24 the state primary in an even-numbered year. The primary must be held in the year when  
4.25 the school district general election is held. The clerk shall give notice of the primary in  
4.26 the manner provided in section 205A.07.

4.27 Sec. 9. **EFFECTIVE DATE.**

4.28 This act is effective for the state primary in 2008 and thereafter.

1.1 Senator ..... moves to amend S.F. No. 3364 as follows:

1.2 Page 2, line 34, delete the new language and insert "no later than the day after the  
1.3 candidate files the affidavit of candidacy or nominating petition for the office"

1.4 Page 4, after line 20, insert:

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

1.7 Subd. 1a. **Filing period.** In municipalities nominating candidates at a municipal  
1.8 primary, an affidavit of candidacy for a city office or town office voted on in November  
1.9 must be filed not more than 70 days nor less than 56 days before ~~the first Tuesday after the~~  
1.10 ~~second Monday in September preceding~~ the municipal general election primary. In all  
1.11 other municipalities, an affidavit of candidacy must be filed not more than 70 days and not  
1.12 less than 56 days before the municipal general election."

1.13 Page 4, after line 26, insert:

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

1.16 Subd. 1a. **Filing period.** Affidavits of candidacy must be filed with the school  
1.17 district clerk no earlier than the 70th day and no later than the 56th day before the ~~first~~  
1.18 ~~second~~ Tuesday after the second Monday in September in the year August when the  
1.19 school district general election is held in an odd-numbered year or before the state primary  
1.20 when the school district general election is held in an even-numbered year.

1.21 Sec. 11. Minnesota Statutes 2005 Supplement, section 447.32, subdivision 4, is  
1.22 amended to read:

1.23 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a  
1.24 candidate for the hospital board shall file an affidavit of candidacy for the election either  
1.25 as member at large or as a member representing the city or town where the candidate  
1.26 resides. The affidavit of candidacy must be filed with the city or town clerk not more than  
1.27 70 days nor less than 56 days before the ~~first Tuesday after the first Monday in November~~  
1.28 ~~of the year in which the general election is held~~ state primary. The city or town clerk must  
1.29 forward the affidavits of candidacy to the clerk of the hospital district or, for the first  
1.30 election, the clerk of the most populous city or town immediately after the last day of  
1.31 the filing period. A candidate may withdraw from the election by filing an affidavit of  
1.32 withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last  
1.33 day to file affidavits of candidacy.

1.34 Voting must be by secret ballot. The clerk shall prepare, at the expense of the  
1.35 district, necessary ballots for the election of officers. Ballots must be printed on tan paper

2.1 and prepared as provided in the rules of the secretary of state. The ballots must be marked  
2.2 and initialed by at least two judges as official ballots and used exclusively at the election.  
2.3 Any proposition to be voted on may also authorize the use of voting systems subject  
2.4 to chapter 206. Enough election judges may be appointed to receive the votes at each  
2.5 polling place. The election judges shall act as clerks of election, count the ballots cast,  
2.6 and submit them to the board for canvass.

2.7 After canvassing the election, the board shall issue a certificate of election to the  
2.8 candidate who received the largest number of votes cast for each office. The clerk shall  
2.9 deliver the certificate to the person entitled to it in person or by certified mail. Each  
2.10 person certified shall file an acceptance and oath of office in writing with the clerk within  
2.11 30 days after the date of delivery or mailing of the certificate. The board may fill in any  
2.12 office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but  
2.13 qualification is effective if made before the board acts to fill the vacancy."

2.14 Renumber the sections in sequence and correct the internal references

2.15 Amend the title accordingly

Senator Hottinger introduced--

S.F. No. 3351: Referred to the Committee on Elections.

1.2 A bill for an act  
 1.3 relating to elections; campaign finance; providing contribution limits for judicial  
 1.4 candidates; amending Minnesota Statutes 2005 Supplement, section 10A.27,  
 1.5 subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2005 Supplement, section 10A.27, subdivision 1,  
 1.8 is amended to read:

1.9 Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2,  
 1.10 a candidate must not permit the candidate's principal campaign committee to accept  
 1.11 aggregate contributions made or delivered by any individual, political committee, or  
 1.12 political fund in excess of the following:

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

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

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

1.19 (4) to a candidate for state senator, \$500 in an election year for the office sought and  
 1.20 \$100 in other years; ~~and~~

1.21 (5) to a candidate for state representative, \$500 in an election year for the office  
 1.22 sought and \$100 in the other year;

1.23 (6) to a candidate for district court judicial office, \$500 in an election year for the  
office sought and \$100 in other years; and

2.1            (7) to a candidate for supreme court justice or court of appeals judge, \$1,000 in an  
2.2 election year for the office sought and \$200 in other years.

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

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

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

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

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

Senators Pariseau, Koch and Fischbach introduced—  
S.F. No. 2948: Referred to the Committee on Elections.

A bill for an act  
relating to elections; modifying the Minnesota Voter's Bill of Rights; amending  
Minnesota Statutes 2005 Supplement, section 204C.08, subdivision 1a.

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

Section 1. Minnesota Statutes 2005 Supplement, section 204C.08, subdivision 1a,  
is amended to read:

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

"MINNESOTA VOTER'S BILL OF RIGHTS

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

(a) Access.

(1) You have the right for the polling place to open on time.

(2) You have the right to vote in peace and security and not be harassed.

(3) You have the right not to have campaigners ask for your name when you are  
entering or leaving the polling place.

~~(1)~~ (4) You have the right to be absent from work for the purpose of voting during  
the morning of election day.

~~(2)~~ (5) If you are in line at your polling place any time between 7:00 a.m. and 8:00  
p.m., you have the right to vote.

~~(3)~~ (6) If you can provide the required proof of residence, you have the right to  
register to vote and to vote on election day.

2.1 ~~(4)~~ (7) If you are unable to sign your name, you have the right to orally confirm your  
2.2 identity with an election judge and to direct another person to sign your name for you.

2.3 ~~(5)~~ (8) You have the right to request special assistance when voting.

2.4 ~~(6)~~ (9) If you need assistance, you may be accompanied into the voting booth by a  
2.5 person of your choice, except by an agent of your employer or union or a candidate.

2.6 ~~(7)~~ (10) You have the right to bring your minor children into the polling place and  
2.7 into the voting booth with you.

2.8 ~~(8)~~ (11) If you have been convicted of a felony but your felony sentence has expired  
2.9 (been completed) or you have been discharged from your sentence, you have the right to  
2.10 vote.

2.11 ~~(9)~~ (12) If you are under a guardianship, you have the right to vote, unless the court  
2.12 order revokes your right to vote.

2.13 ~~(10)~~ (13) You have the right to vote without anyone in the polling place trying to  
2.14 influence your vote.

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

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

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

2.20 (14) You have the right to take a sample ballot into the voting booth with you as long  
2.21 as you do not show the ballot to other voters in the polling place.

2.22 (b) Privacy.

2.23 (1) You have the right to a private voting booth.

2.24 (2) You have the right for your ballot to be placed in a secured and locked container.

2.25 (3) You have the right for private information on your Voter Registration Application  
2.26 to be private and not to be used or disclosed unlawfully.

2.27 (c) Integrity.

2.28 (1) You have the right to a paper ballot.

2.29 (2) You have the right for your name to be on the voting roster if you are timely  
2.30 registered.

2.31 (3) You have the right to know how, when, where, and with whom to file an election  
2.32 complaint.

2.33 (4) You have the right to have your voter registration that was collected by  
2.34 door-to-door solicitors or in other voter registration drives delivered to election officials in  
2.35 a proper and immediate manner.

3.1 (5) You have the right to have Voter Registration Applications entered into the  
3.2 statewide voter registration system immediately upon receipt by the election official  
responsible for that duty.

3.4 (6) If you make a mistake or spoil your ballot at the polling place before it is  
3.5 submitted, you have the right to receive a replacement ballot and vote.

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

3.8 (d) Accuracy.

3.9 (1) You have the right to an accurate ballot.

3.10 (2) You have the right to see the votes counted.

3.11 (3) You have the right to have the vote results announced and posted immediately  
3.12 after they are counted.

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

3.15 **Sec. 2. EFFECTIVE DATE.**

3.16 Section 1 is effective July 1, 2006.



**Senators Kleis, Pariseau, Wiger and Scheid introduced--  
S.F. No. 1317: Referred to the Committee on Elections.**

1 A bill for an act

2 relating to elections; changing provisions governing  
3 certain conduct in or near polling places; changing  
4 certain election day prohibitions; amending Minnesota  
5 Statutes 2004, sections 204C.06, subdivision 1;  
6 211B.11, subdivision 1.

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

8 Section 1. Minnesota Statutes 2004, section 204C.06,  
9 subdivision 1, is amended to read:

10 Subdivision 1. [LINGERING NEAR POLLING PLACE.] An  
11 individual shall be allowed to go to and from the polling place  
12 for the purpose of voting without unlawful interference. No one  
13 except an election official or an individual who is waiting to  
14 register or to vote shall stand on any private or public parcel  
15 of property on which a building containing a polling place is  
16 located, or inside that building, or within 500 feet of  
17 the property line of any private or public parcel of property on  
18 which a building containing a polling place is located, or  
19 within a building 500 feet in any direction from the entrance to  
20 a polling place. The entrance to a polling place is the doorway  
21 or point of entry leading into the room or area where voting is  
22 occurring.

23 Sec. 2. Minnesota Statutes 2004, section 211B.11,  
24 subdivision 1, is amended to read:

25 Subdivision 1. [SOLICITING NEAR POLLING PLACES.] A person  
26 may not display campaign material, post signs, ask, solicit, or

1 in any manner try to induce or persuade a voter;

2 (1) within a polling place or within 100 feet of the  
3 building in which a polling place is situated, or;

4 (2) within the building in which the polling place is  
5 located;

6 (3) anywhere on the public or private parcel of property on  
7 which a building containing a polling place is situated; or

8 (4) within 500 feet in any direction horizontally or  
9 vertically of the property line of a public or private parcel of  
10 property on which a building containing a polling place is  
11 situated,

12 on primary or any election day to vote for or refrain from  
13 voting for a candidate or ballot question or to otherwise  
14 conduct any activity related to the election.

15 A person may not keep a record of individuals arriving at  
16 or departing from the polling place or, within 500 feet of the  
17 polling place, ask whether an individual has voted in the  
18 election. A person may not provide political badges, political  
19 buttons, or other political insignia to be worn at or about the  
20 polling place on the day of a primary or election. A political  
21 badge, political button, or other political insignia may not be  
22 worn at or about the polling place on primary or election day.  
23 This section applies to areas established by the county auditor  
24 or municipal clerk for absentee voting as provided in chapter  
25 203B.

26 The secretary of state, county auditor, municipal clerk, or  
27 school district clerk may provide stickers which contain the  
28 words "I VOTED" and nothing more. Election judges may offer a  
29 sticker of this type to each voter who has signed the polling  
30 place roster.

1.1 A bill for an act  
 1.2 relating to elections; changing provisions governing certain conduct in or near  
 1.3 polling places; changing certain election day prohibitions; amending Minnesota  
 1.4 Statutes 2004, sections 204C.06, subdivision 1; 211B.11, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2004, section 204C.06, subdivision 1, is amended to read:

1.7 Subdivision 1. **Lingering near polling place.** An individual shall be allowed to  
 1.8 go to and from the polling place for the purpose of voting without unlawful interference.  
 1.9 Except as otherwise provided in this section, no one except an election official or an  
 1.10 individual who is waiting to register or to vote shall stand within ~~100~~ 200 feet of the  
 1.11 entrance to a polling place. The entrance to a polling place is the doorway or point of entry  
 1.12 leading into the room or area where voting is occurring.

1.13 Sec. 2. Minnesota Statutes 2004, section 211B.11, subdivision 1, is amended to read:

1.14 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
 1.15 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
 1.16 a polling place or within ~~100~~ 200 feet of the building in which a polling place is situated,  
 1.17 or anywhere on the public property on which a polling place is situated, on primary or  
 1.18 election day to vote for or refrain from voting for a candidate or ballot question. A person  
 1.19 may not provide political badges, political buttons, or other political insignia to be worn  
 1.20 at or about the polling place on the day of a primary or election. A political badge,  
 1.21 political button, or other political insignia may not be worn at or about the polling place on  
 1.22 primary or election day. This section applies to areas established by the county auditor or  
 1.23 municipal clerk for absentee voting as provided in chapter 203B.

- 2.1 The secretary of state, county auditor, municipal clerk, or school district clerk may
- 2.2 provide stickers which contain the words "I VOTED" and nothing more. Election judges
- 2.3 may offer a sticker of this type to each voter who has signed the polling place roster.

Senators Bachmann and Reiter introduced--  
S.F. No. 923: Referred to the Committee on Elections.

1                   A bill for an act  
2           relating to elections; requiring proof of citizenship  
3           as part of registration; requiring voters to provide  
4           picture identification; amending Minnesota Statutes  
5           2004, sections 201.061, subdivisions 1, 3; 204C.10.  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
7           Section 1. Minnesota Statutes 2004, section 201.061,  
8           subdivision 1, is amended to read:  
9           Subdivision 1. [PRIOR TO ELECTION DAY.] At any time except  
10          during the 20 days immediately preceding any election, an  
11          eligible voter or any individual who will be an eligible voter  
12          at the time of the next election may register to vote in the  
13          precinct in which the voter maintains residence by completing a  
14          voter registration application as described in section 201.071,  
15          subdivision 1, and submitting it in person or by mail to the  
16          county auditor of that county or to the Secretary of State's  
17          Office. The voter registration application must be accompanied  
18          by proof of United States citizenship in the form of a passport,  
19          birth certificate, or naturalization document, if registering in  
20          person, or a state-certified copy of one of those documents, if  
21          registering by mail. A registration that is received no later  
22          than 5:00 p.m. on the 21st day preceding any election shall be  
23          accepted. An improperly addressed or delivered registration  
24          application shall be forwarded within two working days after  
25          receipt to the county auditor of the county where the voter

1 maintains residence. A state or local agency or an individual  
2 that accepts completed voter registration applications from a  
3 voter must submit the completed applications to the secretary of  
4 state or the appropriate county auditor within ten days after  
5 the applications are dated by the voter.

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

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

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

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

23 (2) presenting any document approved by the secretary of  
24 state as proper identification;

25 (3) presenting one of the following:

26 (i) a current valid student identification card from a  
27 postsecondary educational institution in Minnesota, if a list of  
28 students from that institution has been prepared under section  
29 135A.17 and certified to the county auditor in the manner  
30 provided in rules of the secretary of state; or

31 (ii) a current student fee statement that contains the  
32 student's valid address in the precinct together with a picture  
33 identification card; or

34 (4) having a voter who is registered to vote in the  
35 precinct sign an oath in the presence of the election judge  
36 vouching that the voter personally knows that the individual is

1 a resident of the precinct. A voter who has been vouched for on  
2 election day may not sign a proof of residence oath vouching for  
3 any other individual on that election day.

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

13 A county, school district, or municipality may require that  
14 an election judge responsible for election day registration  
15 initial each completed registration application.

16 Sec. 3. Minnesota Statutes 2004, section 204C.10, is  
17 amended to read:

18 204C.10 [PERMANENT REGISTRATION; VERIFICATION OF  
19 REGISTRATION.]

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

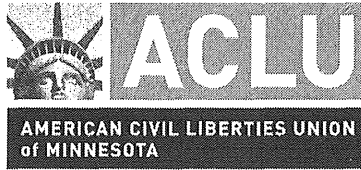
33 (b) ~~A judge may,~~ Before the applicant signs the roster, a  
34 judge:

35 (1) may confirm the applicant's name, address, and date of  
36 birth; and

1        (2) shall require the voter to provide a picture  
2 identification card or document.

3        (c) After the applicant signs the roster, the judge shall  
4 give the applicant a voter's receipt. The voter shall deliver  
5 the voter's receipt to the judge in charge of ballots as proof  
6 of the voter's right to vote, and thereupon the judge shall hand  
7 to the voter the ballot. The voters' receipts must be  
8 maintained during the time for notice of filing an election  
9 contest.





## Statement of Charles Samuelson In Opposition to SF923

The ACLU of Minnesota opposes SF923 because it violates both the U.S. and Minnesota Constitutions and conflicts with Federal laws protecting voting rights. The ACLU opposes voter fraud; however, we believe that the state's efforts are better directed toward promoting voter turnout to the tens of thousands of people who don't show up at the polls rather than the relatively scant number of cases of improper voting that have arisen in this state. Instead, SF923 will unduly suppress the vote, resulting in even lower voter turnout in the future. Suppression of lawful voters is every bit as problematic as voter fraud.

The majority of states (30 total) have no voter identification requirements for individuals who vote in person. Only 20 states require some form of identification in order to vote. But of those 20 states, only two states – Georgia and Indiana have an absolute requirement to present a photo identification in order to vote in person. Georgia's photo identification requirement was recently enjoined when a Federal District Court held that it imposed an unconstitutional burden on the right to vote, and that it amounted to an unconstitutional poll tax. SF923 suffers from the same constitutional infirmities.

“Voter Fraud” should not be a shibboleth that results in the rejection of legal voters. The intent of this bill may be aimed at a concern for persons who break the law, people who are not legal, registered voters. But the impact of this bill will be to turn away from the polls persons who are in fact legal, registered voters – those who forget to bring or do not have a photo id. It will have the most impact on the elderly, racial minorities, the poor, and the disabled, all of whom are less likely than others to have a photo identity card.

The Civil Rights Act of 1964, 42 U.S.C. §1971(a)(2)(B), prohibits denying the right to vote for an act or omission that is not material to determining one's qualifications under state law. If a person can satisfy election officials that they are in fact the person listed on the voter registration list, it would be illegal to deny them the right to vote based on forgetting or not owning an id. When individuals register to vote, they are required to attest, under penalty of law that they are eligible to vote. Unless there is reason to suspect that an individual is not eligible to vote, requiring documentary proof of citizenship and identity is not material and, therefore, should not be the basis for denying an individual the right to vote. Moreover, requiring voters to produce a particular piece of identification as the only way to prove who they are creates a conclusive presumption against them if they do not have the specified identification. Given the array of ways that a state may verify their identity, conclusive presumptions unconstitutionally deny the fundamental right to vote. [Dunn v. Blumstein, 405 U.S. 330, 350 (1972)].

Only one state – Arizona – requires proof of citizenship to accompany voter registrations. The U.S. Election Assistance Commission recently determined that, because the National Voter Registration Act of 1993 requires states to accept the Federal voter registration form, Arizona's

proof of citizenship requirement would “effectively result in a refusal to accept and use the Federal Registration Form in violation of Federal Law. The proof of citizenship requirement in SF923 will disenfranchise minority populations. Many Native American elders have no birth certificates because they were born in areas where midwives, or at-home births, were more prevalent than hospital births. There was a time in Minnesota’s history when we denied Native Americans the right to vote unless they could prove that they “had adopted the habits and customs of civilization”. It would be shameful if we denied Native American Elders the right to vote now for lack of a birth certificate.

Because SF923 is unconstitutional and violates federal law, I respectfully urge you to vote oppose this proposal.



Elections Committee  
Wednesday, March 22, 2006  
Testimony Presented by Marcia Avner

Mr. Chair and Members of the Committee: My name is Marcia Avner and I am the Public Policy Director of the Minnesota Council of Nonprofits. MCN is a statewide association of nonprofits with over 1580 member organizations. MCN sponsors the Minnesota Participation Project, a nonpartisan voter engagement initiative that involves hundreds of nonprofits in voter registration, voter education, and voter participation. We also convene the Nonprofit Voter Engagement Network, composed of seven states with strong nonprofit, nonpartisan civic engagement programs.

In this work, MCN is dedicated to encouraging voter participation. Voting is an essential way that Minnesotans participate in the decisions that touch their lives, and it is a right that they should be able to exercise.

The proposed legislation is sure to inhibit voter participation. Any Minnesotans who care about our continuing to be a high turnout state, a model of civic engagement, and a state that encourages people to use their right to vote, should be opposed to this bill.

**Voter registration requirements:**

- 1) The requirement to provide a birth certificate, a passport, or naturalization papers presents a clear hardship to many people. Not everyone has one of these documents readily available. And there are many unanswered questions about the documents required. Does the passport have to be current? And the legislation requires that even currently registered voters who have to register again because of address or name changes would now have to produce proof of citizenship.
- 2) The hardship associated with having to produce one of these proofs of citizenship will fall disproportionately on low income people, the frail and elderly, those with limited transportation or mobility, and many first-time voters. We have attached documents that explain the costs and hassle factors of obtaining a passport or a birth certificate. Here are the tedious details:

Getting a passport costs \$97 and takes about six weeks. For an additional \$60 that process can be expedited and the passport can be available within two weeks. The application must be made in person the first time.

Getting a Minnesota birth certificate costs \$16 and takes about four to six weeks to process. For an additional \$36 the process may be expedited. There is a \$6 fee for paying with a credit card. And, to add to the time-and-trouble factor, the application must be notarized.

In order to produce these documents and pre-register for the September primary, a person would have to do all the preparatory work and file for a birth certificate or a passport by about July 11th, six weeks before pre-registration closes. In order to produce one of the documents for the November 7<sup>th</sup> general election, an applicant would have to request the document by September 5<sup>th</sup>.

In almost every case, cost and travel would be considerable.

- 3) The requirement that every registrant must provide a birth certificate, passport, or naturalization papers is sure to have a profound impact on voter registration drives and on Election Day registration.
  - a. Many voters welcome the opportunity to register when they go to a service agency, the State Fair, or other places, but few carry the required documents with them in the course of their daily lives
  - b. Approximately 75% of new voters register on Election Day. Minnesota has been proud of this honorable tradition, which has worked well and enabled many people to vote.
  - c. Under the new system, not only will the requirement to have one of the three documents in hand keep people from registering, it will also create yet another step of complexity for election officials to address. It could be one more cause of delay and confusion at the polls.

The proposed legislation is neither fair nor sensible. How many members of the committee, how many people in the room, could produce one of the required documents today if this were Election Day? I have asked this question at every gathering I have participated in over the past week and it is never more than half of the group. My pharmacist doesn't even have a birth certificate; he was born at home!

Each of us can think of an individual who might find the barriers that this legislation proposed insurmountable. Imagine the working family in your community: parents too busy to retrieve birth certificates months before an election and too average to have a passport handy. Should they be denied the right to register to vote? How about a nursing home resident?

**Showing ID when voting:**

- 1) This may be the proverbial solution in search of a problem. We simply don't have evidence of voter fraud issues that require this kind of action.
- 2) For many people, getting the ID in a timely way is costly or physically difficult. How does a frail or elderly person, a person in a very rural area, a person with mobility barriers, or a person who can't get away from work to get the photo taken – get the photo ID which they may need only for the purpose of voting?
- 3) This requirement, too, raises a lot of operational questions. How do election officials check these IDs for absentee ballot voters? What types of identification would be acceptable?

The Minnesota Council of Nonprofits urges you to vote against S.F. 923. Minnesota voters deserve a higher level of trust and a genuine interest in their participation from their government.



## Birth and death certificates and records

- [Home](#)
- [Certified birth certificate](#)
- [Apostilles](#)
- [Non-certified copy of a birth record](#)
- [Birth records after an adoption](#)
- [Changing a birth record](#)
- [Adding a father to a birth record \(establishing paternity\)](#)
- [Birth Resulting in Still Birth](#)
- [Certified death certificate](#)
- [Non-certified copy of a death record](#)
- [Changing a death record](#)
- [Marriage certificates and divorce decrees](#)
- [Father's Adoption Registry](#)

# How to obtain a birth certificate

1. Print and complete the Birth Certificate Application Form (see below).
2. If you are ordering certificates for more than one birth record, complete a separate application form for each record.
3. Complete the Birth Certificate Fee Worksheet to compute the charges for your order (see below). **Applications without fees will not be processed.**
4. Access to some birth records is restricted. See [confidential birth records](#) for more information. A birth certificate cannot be mailed to you unless you demonstrate [tangible interest](#). You demonstrate tangible interest by checking the appropriate box on the application and by having your signature on the application [notarized](#). **Applications that are not notarized will not be processed.**
5. Make your check or money order payable to Minnesota Department of Health. Checks returned for nonpayment will be charged a \$30 fee according to [Minnesota Statutes, section 604.113](#), subdivision 2, and civil penalties may be imposed for nonpayment.
6. **Mail** the completed form, birth certificate fee worksheet, and payment to:

Minnesota Department of Health  
 Attention: Office of the State Registrar  
 P.O. Box 64882  
 St. Paul, Minnesota 55164-0882

### OR

**Fax** the completed form, birth certificate fee worksheet, credit card (Master Card, VISA, American Express and Discover Card) number and expiration date to 651-291-0101.

Before you choose to pay with a credit card, please read the [authorization and disclaimer](#).

*Allow 4-6 weeks for processing applications.*

[Birth Certificate Application Form \(Interactive PDF: 69KB/1 page\). Word file \(58KB\).](#)

Birth Certificate Fee Worksheet

If you have questions, please e-mail [osr1@health.state.mn.us](mailto:osr1@health.state.mn.us) or call 651-201-5970.



To view the PDF files, you will need Adobe Acrobat Reader or for screen reader accessibility Adobe Acrobat Access (free downloads from Adobe's Web site).

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Updated 11.10.2005 Tuesday, 28-Feb-2006 13:51:37 CST



**Minnesota Department of Health**  
*Protecting, maintaining and improving the health of all Minnesotans*



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
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Birth and death certificates and records

**Birth Certificate Fee Worksheet**

Print this page and mail or fax it with your completed application(s).

- [Home](#)
- [Certified birth certificate](#)
- [Apostilles](#)
- [Non-certified copy of a birth record](#)
- [Birth records after an adoption](#)
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- [Father's Adoption Registry](#)

Printer friendly version (PDF: 86.4KB/1 page).  To view PDF files you will need [Adobe Acrobat Reader](#) or for screen reader accessibility [Adobe Acrobat Access](#) (free downloads from Adobe Web site).

<b>Print your name as it appears on your application:</b>			
<b>How many</b>	<b>Item</b>	<b>Fee for each</b>	<b>Total</b>
	First certificate for each birth record ordered	\$16	\$
	Additional certificates for same record	\$9	\$
	<b>Optional</b> - An Expedite fee is a per-record fee that will place your request ahead of other requests. An Expedite fee does NOT include Federal Express or other special mailing fees.	\$20	\$
	<b>Optional</b> - Federal Express Mail Service is \$16 for most deliveries. Higher rates apply to Saturday or international service and to deliveries to Alaska and Hawaii.	\$16 (per order only)	\$
	VitalChek Network user fee - <b>mandatory</b> if ordered with a credit card (Master Card, VISA, American Express, or Discover Card).	\$6 (per order only)	\$
<b>Total amount included:</b>			\$
<b>Credit card users:</b>			
Card number:			
Expiration date:			

Make your check or money order payable to the Minnesota Department of Health. Checks returned for nonpayment will be charged a \$30 fee according to [Minnesota Statutes, section 604.113, subdivision 2](#), and civil penalties may be imposed for nonpayment.



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Updated 11.10.2005 Tuesday, 28-Feb-2006 13:51:39 CST

Tuesday March 21, 2006



The Passport Services Office provides information and services to American citizens about how to obtain, replace or change a passport.

A passport is an internationally recognized travel document that verifies the identity and nationality of the bearer. A valid U.S. passport is required to enter and leave most foreign countries. Only the U.S. Department of State has the authority to grant, issue or verify United States passports.

### **New Application for a U.S. Passport**

To obtain a passport for the first time, you need to go in person to one of 7,000 passport acceptance facilities located throughout the United States with two photographs of yourself, proof of U.S. citizenship, and a valid form of photo identification such as a driver's license.

Acceptance facilities include many Federal, state and probate courts, post offices, some public libraries and a number of county and municipal offices. There are also 13 regional passport agencies, and 1 Gateway City Agency, which serve customers who are traveling within 2 weeks (14 days), or who need foreign visas for travel. Appointments are required in such cases.

You'll need to apply in person if you are applying for a U.S. passport for the first time; if your expired U.S. passport is not in your possession; if your previous U.S. passport has expired and was issued more than 15 years ago; or if your previous U.S. passport was issued when you are under 16 your currently valid U.S. passport has been lost or stolen.

For more information on getting a new passport, please click [How to get a passport](#).

### **Renewal of a U.S. Passport**

You can renew by mail if: Your most recent passport is available to submit and it is not damaged; you received the passport within the past 15 years; you were over age 16 when it was issued; you still have the same name, or can legally document your name change.

You can get a passport renewal application form by downloading it from [this site](#).

If your passport has been, altered or damaged, you cannot apply by mail. You must apply in person.

For more information on how to renew a passport, please click: [How to renew a passport](#).



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Tuesday March 21, 2006

## Passport Fees

*March 8, 2005*

### **Routine Services (Form DS-11)**

#### ***Non-Refundable***

**Age 16 and older:** The passport fee is \$55. The security surcharge is \$12. The execution fee is \$30. The total is \$97.

**Under Age 16:** The passport fee is \$40. The security surcharge is \$12. The execution fee is \$30. The total is \$82.

Note: When applying at one of the thousands of designated application acceptance facilities in the U.S., you pay the passport fee and the security surcharge to the "U.S. Department of State" and the execution fee to the facility where you are applying. Acceptable forms of payment vary. When applying at a Regional Passport Agency, both fees and the surcharge are combined into one payment to the "U.S. Department of State" and may be paid by check (personal, certified, travelers"), major credit card (V, MC, AE, Discover), bank draft or cashier's check, money order (U.S. Postal, international, currency exchange), or if abroad, the foreign currency equivalent, or a check drawn on a U.S. bank.

### **Passport Renewal (Form DS-82)**

#### ***Non-Refundable***

#### **You may use this form if your previous passport:**

1. Was issued when you were 16 or older.
2. Was issued in the last 15 years.
3. Is not damaged.
4. Is submitted with your application.

The Passport fee is \$55. The Security Surcharge is \$12. The total fee is \$67.

#### **Expedited Service - Add \$60 for each application**

#### **For any service - e.g., first-time application, renewal, additional pages, name change**

Additionally, to receive your passport as soon as possible, we strongly suggest that you arrange **overnight delivery service** for:

1. **Sending your passport application**  
**AND**
  2. **Returning your passport to you.**
-

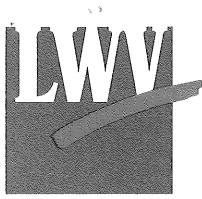
Tuesday March 21, 2006

## How to Get Your Passport in a Hurry

<p><b>Expedited Service</b></p> <p>Cost, <b>in addition</b> to regular application fees, is <b>\$60 per application plus</b> overnight delivery costs.</p> <p>Two-way overnight delivery is strongly suggested.</p> <p>If you mail in - clearly mark <b>Expedited</b> on the envelope.</p> <p>Anyone may request expedited service for any type of application (e.g., first-time applications, renewals, amendments of existing passports, etc.) See:</p> <p><a href="#">How do I change my name on my passport?</a></p> <p><a href="#">How to add extra visa pages to my passport?</a></p> <p><a href="#">How do I apply to renew my passport?</a></p> <p>Passport applications sent together or at the same time do not necessarily remain together. Passports will be mailed separately.</p> <p><b>After you apply - You will receive your passport:</b> Ordinarily, if you paid additionally for expedited service and two-way overnight delivery within about 2 weeks</p>
<p><b>Routine Service</b></p> <p>Include your departure date on your application.</p> <p><b>After you apply - You will receive your passport:</b> Ordinarily, within 6 weeks</p>
<p><b>Life or Death Emergencies</b></p> <p>Call <a href="#">The National Passport Information Center</a></p>

	Payment Method
<b>Passport Agency</b>	Major Credit Card - Visa, MasterCard, American Express, Discover Debit/Check cards (not ATM cards) Checks, bank drafts, money orders
<b>Mail-in</b>	Personal Check or Money Order (Pay to "U.S. Department of State") NO CASH
<b>Post Office, Clerk of Court, Other Location</b>	Check with the facility for type of payment accepted.

All Passport Agencies accept applications only by appointment. [Click here for more information.](#)



LEAGUE OF  
WOMEN VOTERS®  
MINNESOTA

550 RICE STREET ST. PAUL, MN 55103 PHONE (651) 224- 5445 FAX (651) 290-2145 www.lwvmn.org

## Statement for the Senate Elections Committee

### SF 923, Requiring Proof of Citizenship to Register and a Photo ID to Vote

March 22, 2006

I am Gwen Myers, a volunteer lobbyist for the League of Women Voters of Minnesota. The League believes that voting is a fundamental citizen right that must be guaranteed in our democracy. Our 86-year-old organization was created by people – women – who were denied the vote until 1920, so we know what it's like to be shut out of the process and we have a special affection for suffrage.

For this reason we urge you to oppose SF 923. Whatever the author's intent, the effect of this bill will be to disenfranchise United States citizens by putting obstacles in their path to the voting booth. A quick review of Sen. Bachmann's bill identifies the problems.

First, SF 923 requires proof of citizenship to accompany all voter registration applications if registering in person either before the election or at the polls for Election Day registration. Proof of citizenship includes a passport, birth certificate or naturalization document. If one is registering by mail, the application must include a state-certified copy of one of these documents.

Second, SF 923 requires all voters to provide a picture identification card or document before they sign the roster.

The proposed additional requirements to register and to vote will have an impact, if passed.

- Everyone who moves within the state or into the state will have to produce a birth certificate, passport or naturalization document. Most of us will have to rely on the birth certificate. Locating this document will be a problem for many and will be an expense to replace if it is not found. How many will not bother?
- Voter registration drives as we have known them will be a thing of the past. Few people carry proof of citizenship with them at all times. The State Fair is a favorite place for our political parties to register the party faithful. I have registered people on 9<sup>th</sup> and Nicollet in Minneapolis outside Target. Thousands of people have been registered this way, but this will no longer be possible.
- The virtual impossibility of voter-registration drives will add to the length of lines at registration tables in polling places on Election Day. Same-day registration is a little confusing anyway, for those without an up-to-date driver's license. Adding proof of citizenship will make the process more cumbersome – and many will be turned away, or will give up and leave.
- Regarding the photo ID, those who do not drive often do not have the required photo ID. This includes some of the very elderly, the disabled, and the poor. For example, it is very difficult to get a Minnesota ID card for a frail, elderly individual who moves with difficulty. One has to appear in person, which is a major problem to begin with.
- The photo ID requirement has been likened to a poll tax. Official photo IDs are not free and some will be unable to afford them.

Here are two things we consider when reviewing any proposed change in election law.

- Does this change make the election process more accessible and less intimidating for first-time voters?
- Will this change exclude any group of citizens from the election process?

When these questions are posed about Rep. Emmer's bill, LWVMN gets the "wrong" answers.

To conclude: LWVMN opposes this bill. The right to vote is fundamental to our democracy. The history of voting rights in this country is one of increasing inclusion and increasing ease of access to the ballot box. In Minnesota we have an especially proud tradition of fair, open and clean elections. We have made it easy to pre-register, easy to register on Election Day, and easy to vote. Minnesota generally has the highest voting turn-out in the country. This system "ain't broke" and it does not need fixing. Please vote "no" on SF 923.

Thank you for your time this afternoon.

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Last update: March 21, 2006 – 6:14 PM

## **Editorial: Photo IDs aren't needed at the polls**

Barriers to voting are un-Minnesotan.

Most adult Americans carry a photo identification card most days. Most Americans, given some time to dig through their drawers, probably could come up with a birth certificate, passport or other proof of citizenship.

But voting isn't just for most Americans. It's the right of all. That puts a heavy burden on those in the Minnesota Legislature who want to add a photo ID requirement to voting, and a proof of citizenship requirement to registering to vote. To be justified, those potential impediments to voting had better remedy a big problem at the polls.

But there *is* no problem at the polls. Remember the rash of news reports after the last election about voter fraud in Minnesota? Neither do we, because there was none -- the rumormongering of political bloggers notwithstanding. Minnesota's professional election administrators and well-trained, conscientious election judges run a clean operation. Existing registration requirements have served Minnesota well; so have substantial penalties for those caught voting fraudulently -- enough to deter any noncitizen who might be tempted to pose as a citizen on election day.

In the absence of evidence that large numbers of ineligible people are voting in Minnesota, adding new eligibility requirements is unwarranted. They will serve only to inhibit voting by those who are among the estimated 10 percent of Americans who lack a valid driver's license or state-issued photo ID card. That group is dominated by the elderly, poor and disabled -- vulnerable people whose ability to influence government should be safeguarded, not denied.

A bill requiring voters to show either driver's licenses or state-issued identification cards, sponsored by Delano Republican Rep. Tom Emmer, would waive the fee for obtaining ID cards for people whose household income falls below the federal poverty level. That's a good idea. But cost is not the only reason that official photo IDs are missing from the purses and pockets of some non-drivers in Minnesota. Lack of information and the time and hassle involved in obtaining a card also get in the way.

Voting rights are too fundamental to be denied merely because someone didn't make the effort to get a state ID card or remember to carry it to the polls. Voting isn't only for those whose schedules and stamina permit standing in the long lines that the Emmer bill would cause at polling places. Voter registration opportunities should not be confined to times and places at which one's birth certificate, passport or naturalization papers are at hand. Minnesota has been a leader among the states in tearing down barriers to voting. It shouldn't start putting them up.

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### ROLL CALL VOTE

Date: March, 22, 2006

Senator Limmer requested a Roll Call Vote on:

- 1.  adoption of \_\_\_\_\_ amendment
- 2.  passage of S. F. No. 923
- 3.  adoption of \_\_\_\_\_ motion \_\_\_\_\_

SENATOR	YES	NO	PASS	ABSENT
Fishbach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Higgins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hottinger	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Koch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Limmer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marko	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pariseau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scheid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wiger	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>				

There being 3 Yes votes and 6 No votes the Motion:

- Prevailed
- Did Not Prevail



Senators Pariseau and Koch introduced-

S.F. No. 2952: Referred to the Committee on Elections.

A bill for an act  
relating to government operations; making permanent certain Help America Vote  
Act rules adopted by the Office of the Secretary of State.

1.3

1.4

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

1.5

Section 1. GOOD CAUSE HAVA RULES.

1.6

1.7

1.8

1.9

The rules adopted by the Office of the Secretary of State pursuant to the authority  
granted in Laws 2004, chapter 293, article 1, section 39, are adopted as permanent rules  
without further administrative action and may be further amended or repealed by the  
secretary of state pursuant to Minnesota Statutes, chapter 14.

1.10

The revisor of statutes shall publish these rules in Minnesota Rules.

Sec. 2. EFFECTIVE DATE.

1.12

Section 1 is effective the day following final enactment.

11/11/05

Senators Pariseau, Koch, Fischbach and Vickerman introduced-  
S.F. No. 2949: Referred to the Committee on Elections.

A bill for an act  
relating to elections; providing for consistency in polling place locations;  
amending Minnesota Statutes 2004, section 204B.16, subdivision 3; Minnesota  
Statutes 2005 Supplement, section 204B.16, subdivision 1.

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

Section 1. Minnesota Statutes 2005 Supplement, section 204B.16, subdivision 1, is  
amended to read:

Subdivision 1. **Authority; location.** The governing body of each municipality  
and of each county with precincts in unorganized territory shall designate by ordinance  
or resolution a polling place for each election precinct. This designation may be made  
no more frequently than once in any 12-month period for each precinct, subject to the  
provisions of subdivision 3. Polling places must be designated and ballots must be  
distributed so that no one is required to go to more than one polling place to vote in  
a school district and municipal election held on the same day. The polling place for a  
precinct in a city or in a school district located in whole or in part in the metropolitan area  
defined by section 200.02, subdivision 24, shall be located within the boundaries of the  
precinct or within 3,000 feet of one of those boundaries unless a single polling place  
is designated for a city pursuant to section 204B.14, subdivision 2, or a school district  
pursuant to section 205A.11. The polling place for a precinct in unorganized territory may  
be located outside the precinct at a place which is convenient to the voters of the precinct.  
If no suitable place is available within a town or within a school district located outside  
the metropolitan area defined by section 200.02, subdivision 24, then the polling place for  
a town or school district may be located outside the town or school district within five  
miles of one of the boundaries of the town or school district.

2.1 Sec. 2. Minnesota Statutes 2004, section 204B.16, subdivision 3, is amended to read:

2.2 Subd. 3. **Designation effective until changed.** The designation of a polling place  
2.3 pursuant to this section shall remain effective until a different polling place is designated  
2.4 for that precinct. No designation of a new or different polling place:

2.5 (a) shall be made more frequently than once in any 12-month period;

2.6 (b) shall become effective less than 90 days prior to an election, including school  
2.7 district elections or referenda, and no polling place changes may; and

2.8 (c) shall occur during the period between the state primary and the state general  
2.9 election, except that a new polling place may be designated to replace a polling place that  
2.10 has become unavailable for use.

Pariseau moves to amend S.F. 2949 as follows,

Page 1, line 10, before "This" insert "Except for township elections held in March that are not held concurrently with any other election,"

Page 2, line 5, before the semicolon, insert "except for township elections held in March that are not held concurrently with any other election"

**Bill Summary**

Senate Counsel &amp; Research

**Senate**

State of Minnesota

**S.F. No. 827 - Quarterly Election Day**

**Author:** Senator Dave Kleis  
**Prepared by:** Peter S. Wattson, Senate Counsel (651/296-3812)  
**Date:** February 25, 2005

S.F. No. 827 provides for state and local primary and general elections to be held only on four days:

1. The second Tuesday in March
2. The third Tuesday in May
3. The first Tuesday after the second Monday in September
4. The first Tuesday after the first Monday in November

The only exceptions would be for elections held to fill a vacancy in office and required by statute to be held sooner than the next of those four days or elections conducted by mail.

**Article 1** sets forth the elections that are covered by the uniform law and designates the days when they may be held.

**Article 2** contains conforming amendments.

**Section 1** applies the new date requirements to school district capital project levy referenda.

**Section 2** applies the new date requirements to a levy referendum in a school district that is in statutory operating debt.

**Section 3** sets the times when municipal and school district polling places must be open on days other than the state primary or state general election. It says that polling places must be open at least between the hours of 10:00 a.m. and 8:00 p.m. If a petition requesting longer voting hours for any election is signed by a number of voters equal to 20 percent of the votes cast in the last municipal or school district general election and filed with the appropriate municipal or school district clerk no later than 30 days before an election, then the polling places for that election must open at 7:00 a.m. and close at 8:00 p.m.

**Section 4** applies the new date requirements to municipal special elections.

**Section 5** says that the hours for voting in municipal special elections are those determined in Minnesota Statutes, section 204C.05; that is, 10:00 a.m. to 8:00 p.m., unless a petition is filed demanding that the polls open at 7:00 a.m.

**Section 6** applies the new dates to school district special elections.

**Section 7** sets the hours for voting in school district elections as provided in Minnesota Statutes, section 204C.05.

**Section 8** applies the new date requirements to county capital improvement bond referenda.

**Section 9** applies the new date requirements to county special elections.

**Section 10** applies the new date requirements to a referendum on the issuance of bonds by a port authority.

**Sections 11 and 12** apply the new date requirements to a referendum on a combination of local government units, such as counties, cities, or towns.

**Section 13** applies the new date requirements to a reverse referendum to stop a city from increasing its levy for port authority purposes.

**Section 14** applies the new date requirements to a referendum on the sale of general obligation bonds by the port authority of Cannon Falls or Redwood Falls.

**Section 15** applies the new date requirements to a reverse referendum held on a county board's decision to impose a three percent gross receipts tax on lodging within an unorganized territory.

**Section 16** applies the new date requirements to a referendum on the sale of city capital improvement bonds to construct a city hall, public safety facility, and public works facility, which must be held if demanded by a petition signed by voters equal to five percent of the votes cast in the city in the last general election.

**Section 17** applies the new date requirements to a municipal election to authorize the issuance of bonds.

**Section 18** says that, if the election required by section 17 rejects the issuance of bonds, the question may not be resubmitted until the next quarterly election date that is at least 180 days after the first election.

**Section 19** applies the new date requirements to a municipal election to authorize the issuance of bonds.

**Section 20** contains the repealers.

Minnesota Statutes, section 204C.05, subdivision 1a, allows the governing body of a town with less than 500 inhabitants located outside the metropolitan area to open its polls at 10:00 a.m. rather than at 7:00 a.m., if approved by a vote of the town electors at the annual town meeting.

Section 204C.05, subdivision 1b, allows at least 20 percent of the registered voters residing in a voting district in an unorganized territory to demand that their polls not open until 10:00 a.m. on election day.

Section 205.175 sets minimum voting hours of 5:00 p.m. to 8:00 p.m., except that in a municipality in the metropolitan area the hours must be at least 10:00 a.m. to 8:00 p.m. and that in a municipality outside the metropolitan area at least 20 percent of the voters may demand by petition that the polls be open from 10:00 a.m. to 8:00 p.m.

Section 205A.09 provides minimum voting hours for a school district in the metropolitan area of 10:00 a.m. to 8:00 p.m. and minimum voting hours for a school district outside the metropolitan area of 5:00 p.m. to 8:00 p.m. It authorizes a number of voters equal to 20 percent of the votes cast at the last school district election in a school district outside the metropolitan area to demand that the polling places be open from 10:00 a.m. to 8:00 p.m.

**Section 21** makes the article effective January 1, 2006.

PSW:ph

cc: Kelly Wolfe

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Senators Kleis, Fischbach and Pariseau introduced--  
S.F. No. 827: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; providing for quarterly  
3 election days for state and local elections, other  
4 than special elections to fill a vacancy; amending  
5 Minnesota Statutes 2004, sections 123B.63, subdivision  
6 3; 126C.17, subdivision 11; 204C.05, by adding a  
7 subdivision; 205.10, subdivision 3; 205A.05,  
8 subdivision 1; 373.40, subdivision 2; 375.20; 458.40;  
9 465.82, subdivision 2; 465.84; 469.053, subdivision 5;  
10 469.0724; 469.190, subdivision 5; 475.521, subdivision  
11 2; 475.58, subdivisions 1, 1a; 475.59; proposing  
12 coding for new law in Minnesota Statutes, chapters  
13 204D; 205; 205A; repealing Minnesota Statutes 2004,  
14 sections 204C.05, subdivisions 1a, 1b; 205.175;  
15 205A.09.

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

17 ARTICLE 1

18 QUARTERLY STATE AND LOCAL ELECTION DATES

19 Section 1. [204D.035] [QUARTERLY ELECTION DAY.]

20 Subdivision 1. [SHORT TITLE.] This section may be referred  
21 to as the "Quarterly Election Day Act of 2005."

22 Subd. 2. [ELECTIONS COVERED.] This section applies to all  
23 state, county, municipal, school district, and any other  
24 political subdivision elections held in the state of Minnesota,  
25 and elections on ballot questions, except for (i) elections held  
26 to fill a vacancy in office and required by statute to be held  
27 sooner than the next day designated in subdivision 3, or (ii)  
28 elections conducted by mail.

29 Subd. 3. [ELECTIONS ON DESIGNATED DAYS.] (a)

30 Notwithstanding other law to the contrary, elections covered in



1 subdivision 2 may be held only on the following days:

2 (1) the second Tuesday in March;

3 (2) the third Tuesday in May;

4 (3) the first Tuesday after the second Monday in September;

5 and

6 (4) the first Tuesday after the first Monday in November.

7 (b) The time period in which a special election must be

8 conducted under any other law or charter provision must be

9 extended to conform to the requirements of this subdivision.

10 Subd. 4. [PRIMARY DATE IF NOT SPECIFIED.] If other law  
11 provides for a primary to take place for a particular office but  
12 does not specify the date of the primary, the primary may be  
13 held on one of the days specified in subdivision 3, clauses (1)  
14 to (3). The general election for the office must be held on the  
15 date listed in subdivision 3 that immediately follows the date  
16 chosen for the primary.

17 Subd. 5. [ELECTION TIMES AND POLLING PLACES.] An election  
18 held in a jurisdiction on one of the days specified in  
19 subdivision 3 must be held during the hours determined under  
20 section 204C.05. The governing body of the municipality must  
21 set the polling place locations to be used for each precinct in  
22 all elections in any calendar year before the start of that  
23 calendar year.

24 Subd. 6. [APPLICABLE LAWS.] Except as otherwise provided  
25 by this section, Minnesota election law remains applicable to  
26 elections held on any of the days listed in subdivision 3.

27 Sec. 2. [EFFECTIVE DATE.]

28 This article is effective January 1, 2006.

## 29 ARTICLE 2

### 30 CONFORMING AMENDMENTS

31 Section 1. Minnesota Statutes 2004, section 123B.63,  
32 subdivision 3, is amended to read:

33 Subd. 3. [CAPITAL PROJECT LEVY REFERENDUM.] A district may  
34 levy the local tax rate approved by a majority of the electors  
35 voting on the question to provide funds for an approved  
36 project. The election must take place no more than five years

1 before the estimated date of commencement of the project. The  
 2 referendum must be held on a date ~~set-by-the-board~~ specified  
 3 under section 204D.035, subdivision 3. A referendum for a  
 4 project not receiving a positive review and comment by the  
 5 commissioner under section 123B.71 must be approved by at least  
 6 60 percent of the voters at the election. The referendum may be  
 7 called by the school board and may be held:

8 (1) separately, before an election for the issuance of  
 9 obligations for the project under chapter 475; or

10 (2) in conjunction with an election for the issuance of  
 11 obligations for the project under chapter 475; or

12 (3) notwithstanding section 475.59, as a conjunctive  
 13 question authorizing both the capital project levy and the  
 14 issuance of obligations for the project under chapter 475. Any  
 15 obligations authorized for a project may be issued within five  
 16 years of the date of the election.

17 The ballot must provide a general description of the  
 18 proposed project, state the estimated total cost of the project,  
 19 state whether the project has received a positive or negative  
 20 review and comment from the commissioner, state the maximum  
 21 amount of the capital project levy as a percentage of net tax  
 22 capacity, state the amount that will be raised by that local tax  
 23 rate in the first year it is to be levied, and state the maximum  
 24 number of years that the levy authorization will apply.

25 The ballot must contain a textual portion with the  
 26 information required in this section and a question stating  
 27 substantially the following:

28 "Shall the capital project levy proposed by the board of  
 29 ..... School District No. .... be approved?"

30 If approved, the amount provided by the approved local tax  
 31 rate applied to the net tax capacity for the year preceding the  
 32 year the levy is certified may be certified for the number of  
 33 years approved.

34 In the event a conjunctive question proposes to authorize  
 35 both the capital project levy and the issuance of obligations  
 36 for the project, appropriate language authorizing the issuance

1 of obligations must also be included in the question.

2 The district must notify the commissioner of the results of  
3 the referendum.

4 Sec. 2. Minnesota Statutes 2004, section 126C.17,  
5 subdivision 11, is amended to read:

6 Subd. 11. [REFERENDUM DATE.] (a) Except for a referendum  
7 held under paragraph (b), any referendum under this section held  
8 on a day other than the first Tuesday after the first Monday in  
9 November must be conducted by mail in accordance with section  
10 204B.46. Notwithstanding subdivision 9, paragraph (b), to the  
11 contrary, in the case of a referendum conducted by mail under  
12 this paragraph, the notice required by subdivision 9, paragraph  
13 (b), must be prepared and delivered by first-class mail at least  
14 20 days before the referendum.

15 (b) In addition to the referenda allowed in subdivision 9,  
16 clause (a), the commissioner may grant authority to a district  
17 to hold a referendum on a different day if the district is in  
18 statutory operating debt and has an approved plan or has  
19 received an extension from the department to file a plan to  
20 eliminate the statutory operating debt. A referendum must be  
21 held on a date specified under section 204D.035, subdivision 3.

22 (c) The commissioner must approve, deny, or modify each  
23 district's request for a referendum levy on a different day  
24 within 60 days of receiving the request from a district.

25 Sec. 3. Minnesota Statutes 2004, section 204C.05, is  
26 amended by adding a subdivision to read:

27 Subd. 1c. [ELECTIONS; MUNICIPALITIES AND SCHOOL  
28 DISTRICTS.] The governing body of a municipality or school  
29 district may, by resolution, designate the hours during which  
30 the polling places will remain open for voting at the next  
31 succeeding and all later municipal or school district elections  
32 that are not held at the same time as the state primary or state  
33 general election. All polling places must be open at least  
34 between the hours of 10:00 a.m. and 8:00 p.m. The resolution  
35 remains in effect until revoked by the governing board or a  
36 petition from voters is filed under this subdivision. If a

1 petition requesting longer voting hours for any election is  
2 signed by a number of voters equal to ten percent of the votes  
3 cast in the last municipal or school district general election,  
4 whichever applies, and filed with the appropriate municipal or  
5 school district clerk no later than 30 days before an election,  
6 then the polling places for that election must open at 7:00 a.m.  
7 and close at 8:00 p.m. The municipal or school district clerk  
8 must give ten days published and posted notice of the change in  
9 hours and notify the appropriate county auditors of the change.

10 Sec. 4. Minnesota Statutes 2004, section 205.10,  
11 subdivision 3, is amended to read:

12 Subd. 3. [PROHIBITION.] ~~No~~ A special election authorized  
13 under subdivision 1 may be held ~~within 40 days after the state~~  
14 ~~general election~~ only on one of the dates specified in section  
15 204D.035, subdivision 3.

16 Sec. 5. [205.176] [VOTING HOURS.]

17 In all municipal elections the hours for voting must be  
18 determined as provided by section 204C.05.

19 Sec. 6. Minnesota Statutes 2004, section 205A.05,  
20 subdivision 1, is amended to read:

21 Subdivision 1. [QUESTIONS.] Special elections must be held  
22 for a school district on a question on which the voters are  
23 authorized by law to pass judgment. The school board may on its  
24 own motion call a special election to vote on any matter  
25 requiring approval of the voters of a district. Upon petition  
26 of 50 or more voters of the school district or five percent of  
27 the number of voters voting at the preceding regular school  
28 district election, the school board shall by resolution call a  
29 special election to vote on any matter requiring approval of the  
30 voters of a district. A question is carried only with the  
31 majority in its favor required by law. The election officials  
32 for a special election are the same as for the most recent  
33 school district general election unless changed according to  
34 law. Otherwise, special elections must be conducted and the  
35 returns made in the manner provided for the school district  
36 general election. ~~A special election may not be held during the~~

1 ~~30-days-before-and-the-30-days-after-the-state-primary,during~~  
2 ~~the-30-days-before-and-the-40-days-after-the-state-general~~  
3 ~~election.---In-addition,a-special-election-may-not-be-held~~  
4 ~~during-the-20-days-before-and-the-20-days-after-any-regularly~~  
5 ~~scheduled-election-of-a-municipality-wholly-or-partially-within~~  
6 ~~the-school-district. A special election under this subdivision~~  
7 ~~must be held only on one of the dates specified in section~~  
8 ~~204D.035, subdivision 3. Notwithstanding any other law to the~~  
9 ~~contrary, the time period in which a special election must be~~  
10 ~~conducted under any other law may be extended by the school~~  
11 ~~board to conform with the requirements of this subdivision.~~

12 Sec. 7. [205A.095] [HOURS FOR VOTING.]

13 The hours for voting in school district elections must be  
14 determined as provided by section 204C.05.

15 Sec. 8. Minnesota Statutes 2004, section 373.40,  
16 subdivision 2, is amended to read:

17 Subd. 2. [APPLICATION OF ELECTION REQUIREMENT.] (a) Bonds  
18 issued by a county to finance capital improvements under an  
19 approved capital improvement plan are not subject to the  
20 election requirements of section 375.18 or 475.58. The bonds  
21 must be approved by vote of at least three-fifths of the members  
22 of the county board. In the case of a metropolitan county, the  
23 bonds must be approved by vote of at least two-thirds of the  
24 members of the county board.

25 (b) Before issuance of bonds qualifying under this section,  
26 the county must publish a notice of its intention to issue the  
27 bonds and the date and time of a hearing to obtain public  
28 comment on the matter. The notice must be published in the  
29 official newspaper of the county or in a newspaper of general  
30 circulation in the county. The notice must be published at  
31 least 14, but not more than 28, days before the date of the  
32 hearing.

33 (c) A county may issue the bonds only upon obtaining the  
34 approval of a majority of the voters voting on the question of  
35 issuing the obligations, if a petition requesting a vote on the  
36 issuance is signed by voters equal to five percent of the votes

1 cast in the county in the last general election and is filed  
2 with the county auditor within 30 days after the public  
3 hearing. The commissioner of revenue shall prepare a suggested  
4 form of the question to be presented at the election. The  
5 election may be held only on one of the dates specified in  
6 section 204D.035, subdivision 3.

7 Sec. 9. Minnesota Statutes 2004, section 375.20, is  
8 amended to read:

9 375.20 [BALLOT QUESTIONS.]

10 If the county board may do an act, incur a debt,  
11 appropriate money for a purpose, or exercise any other power or  
12 authority, only if authorized by a vote of the people, the  
13 question may be submitted at a special or general election, by a  
14 resolution specifying the matter or question to be voted upon.  
15 If the question is to authorize the appropriation of money,  
16 creation of a debt, or levy of a tax, it shall state the  
17 amount. Notice of the election shall be given as in the case of  
18 special elections. If the question submitted is adopted, the  
19 board shall pass an appropriate resolution to carry it into  
20 effect. In the election the form of the ballot shall be: "In  
21 favor of (here state the substance of the resolution to be  
22 submitted), Yes ..... No.....," with a square opposite each  
23 of the words "yes" and "no," in one of which the voter shall  
24 mark an "X" to indicate a choice. The county board may call a  
25 special county election upon a question to be held ~~within-60~~  
26 days on any date specified by section 204D.035, subdivision 3,  
27 after a resolution to that effect is adopted by the county  
28 board. Upon the adoption of the resolution the county auditor  
29 shall post and publish notices of the election, as required by  
30 section 204D.22, subdivisions 2 and 3. The election shall be  
31 conducted and the returns canvassed in the manner prescribed by  
32 sections 204D.20 to 204D.27, so far as practicable.

33 Sec. 10. Minnesota Statutes 2004, section 458.40, is  
34 amended to read:

35 458.40 [MUST VOTE TO ISSUE BONDS IF CHARTER SAYS SO.]

36 If a charter adopted under the Minnesota Constitution,

1 article IV, section 36, article XI, section 4, or article XII,  
2 section 5, has a provision that requires the question of the  
3 issuance of bonds to be submitted to the electors, the provision  
4 prevails over sections 458.36 to 458.40. The question must be  
5 submitted to the voters on one of the dates specified in section  
6 204D.035, subdivision 3, notwithstanding any contrary provision  
7 in the charter regarding the date of submission.

8 Sec. 11. Minnesota Statutes 2004, section 465.82,  
9 subdivision 2, is amended to read:

10 Subd. 2. [CONTENTS OF PLAN.] The plan must state:

11 (1) the specific cooperative activities the units will  
12 engage in during the first two years of the venture;

13 (2) the steps to be taken to effect the merger of the  
14 governmental units, with completion no later than four years  
15 after the process begins;

16 (3) the steps by which a single governing body will be  
17 created or, when the entire territory of a unit will be  
18 apportioned between or among two or more units contiguous to the  
19 unit that is to be apportioned, the steps to be taken by the  
20 governing bodies of the remaining units to provide for  
21 representation of the residents of the apportioned unit;

22 (4) changes in services provided, facilities used, and  
23 administrative operations and staffing required to effect the  
24 preliminary cooperative activities and the final merger, and a  
25 two-, five-, and ten-year projection of expenditures for each  
26 unit if it combined and if it remained separate;

27 (5) treatment of employees of the merging governmental  
28 units, specifically including provisions for reassigning  
29 employees, dealing with exclusive representatives, and providing  
30 financial incentives to encourage early retirements;

31 (6) financial arrangements for the merger, specifically  
32 including responsibility for debt service on outstanding  
33 obligations of the merging units;

34 (7) one- and two-year impact analyses, prepared by the  
35 granting state agency at the request of the local government  
36 unit, of major state aid revenues received for each unit if it

1 combined and if it remained separate, including an impact  
2 analysis, prepared by the Department of Revenue, of any property  
3 tax revenue implications associated with tax increment financing  
4 districts and fiscal disparities under chapter 276A or 473F  
5 resulting from the merger;

6 (8) procedures for a referendum to be held on a date  
7 specified in section 204D.035, subdivision 3, before the  
8 proposed combination to approve combining the local government  
9 units, specifically stating whether a majority of those voting  
10 in each district proposed for combination or a majority of those  
11 voting on the question in the entire area proposed for  
12 combination is needed to pass the referendum; and

13 (9) a time schedule for implementation.

14 Notwithstanding clause (3) or any other law to the  
15 contrary, all current members of the governing bodies of the  
16 local government units that propose to combine under sections  
17 465.81 to 465.86 may serve on the initial governing body of the  
18 combined unit until a gradual reduction in membership is  
19 achieved by foregoing election of new members when terms expire  
20 until the number permitted by other law is reached.

21 Sec. 12. Minnesota Statutes 2004, section 465.84, is  
22 amended to read:

23 465.84 [REFERENDUM.]

24 During the first or second year of cooperation, a  
25 referendum on the question of combination must be conducted.  
26 The referendum must be on a date specified by section 204D.035,  
27 subdivision 3, and called by the governing bodies of the units  
28 that propose to combine. The referendum must be conducted  
29 according to the Minnesota Election Law, as defined in section  
30 200.01. If the referendum fails, the same question or a  
31 modified question may be submitted the following year. If the  
32 referendum fails again, the same question may not be submitted.  
33 Referendums shall be conducted on the same date in all local  
34 government units.

35 Sec. 13. Minnesota Statutes 2004, section 469.053,  
36 subdivision 5, is amended to read:



1 Subd. 5. [REVERSE REFERENDUM.] A city may increase its  
2 levy for port authority purposes under subdivision 4 only as  
3 provided in this subdivision. Its city council must first pass  
4 a resolution stating the proposed amount of levy increase. The  
5 city must then publish the resolution together with a notice of  
6 public hearing on the resolution for two successive weeks in its  
7 official newspaper or, if none exists, in a newspaper of general  
8 circulation in the city. The hearing must be held two to four  
9 weeks after the first publication. After the hearing, the city  
10 council may decide to take no action or may adopt a resolution  
11 authorizing the proposed increase or a lesser increase. A  
12 resolution authorizing an increase must be published in the  
13 city's official newspaper or, if none exists, in a newspaper of  
14 general circulation in the city. The resolution is not  
15 effective if a petition requesting a referendum on the  
16 resolution is filed with the city clerk within 30 days of  
17 publication of the resolution. The petition must be signed by  
18 voters equaling five percent of the votes cast in the city in  
19 the last general election. The resolution is effective if  
20 approved by a majority of those voting on the question. The  
21 commissioner of revenue shall prepare a suggested form of  
22 referendum question. The referendum must be held at a special  
23 or general election ~~before October 1~~ on a date specified in  
24 section 204D.035, subdivision 3, of the year for which the levy  
25 increase is proposed.

26 Sec. 14. Minnesota Statutes 2004, section 469.0724, is  
27 amended to read:

28 469.0724 [GENERAL OBLIGATION BONDS.]

29 The port authority of Cannon Falls or Redwood Falls must  
30 not proceed with the sale of general obligation tax supported  
31 bonds until the city council by resolution approves the proposed  
32 issuance. The resolution must be published in the official  
33 newspaper. If, within 30 days after the publication, a petition  
34 signed by voters equal in number to ten percent of the number of  
35 voters at the last regular city election is filed with the city  
36 clerk, the city and port authority must not issue the general

1 obligation tax supported bonds until the proposition has been  
2 approved by a majority of the votes cast on the question at a  
3 regular or special election held on one of the dates specified  
4 in section 204D.035, subdivision 3.

5 Sec. 15. Minnesota Statutes 2004, section 469.190,  
6 subdivision 5, is amended to read:

7 Subd. 5. [REVERSE REFERENDUM.] If the county board passes  
8 a resolution under subdivision 4 to impose the tax, the  
9 resolution must be published for two successive weeks in a  
10 newspaper of general circulation within the unorganized  
11 territory, together with a notice fixing a date for a public  
12 hearing on the proposed tax.

13 The hearing must be held not less than two weeks nor more  
14 than four weeks after the first publication of the notice.  
15 After the public hearing, the county board may determine to take  
16 no further action, or may adopt a resolution authorizing the tax  
17 as originally proposed or approving a lesser rate of tax. The  
18 resolution must be published in a newspaper of general  
19 circulation within the unorganized territory. The voters of the  
20 unorganized territory may request a referendum on the proposed  
21 tax by filing a petition with the county auditor within 30 days  
22 after the resolution is published. The petition must be signed  
23 by voters who reside in the unorganized territory. The number  
24 of signatures must equal at least five percent of the number of  
25 persons voting in the unorganized territory in the last general  
26 election. If such a petition is timely filed, the resolution is  
27 not effective until it has been submitted to the voters residing  
28 in the unorganized territory at a general or special  
29 election held on one of the dates specified in section 204D.035,  
30 subdivision 3, and a majority of votes cast on the question of  
31 approving the resolution are in the affirmative. The  
32 commissioner of revenue shall prepare a suggested form of  
33 question to be presented at the referendum.

34 Sec. 16. Minnesota Statutes 2004, section 475.521,  
35 subdivision 2, is amended to read:

36 Subd. 2. [ELECTION REQUIREMENT.] (a) Bonds issued by a

1 city to finance capital improvements under an approved capital  
2 improvements plan are not subject to the election requirements  
3 of section 475.58. The bonds are subject to the net debt limits  
4 under section 475.53. The bonds must be approved by an  
5 affirmative vote of three-fifths of the members of a five-member  
6 city council. In the case of a city council having more than  
7 five members, the bonds must be approved by a vote of at least  
8 two-thirds of the city council.

9 (b) Before the issuance of bonds qualifying under this  
10 section, the city must publish a notice of its intention to  
11 issue the bonds and the date and time of the hearing to obtain  
12 public comment on the matter. The notice must be published in  
13 the official newspaper of the city or in a newspaper of general  
14 circulation in the city. Additionally, the notice may be posted  
15 on the official Web site, if any, of the city. The notice must  
16 be published at least 14 but not more than 28 days before the  
17 date of the hearing.

18 (c) A city may issue the bonds only after obtaining the  
19 approval of a majority of the voters voting on the question of  
20 issuing the obligations, if a petition requesting a vote on the  
21 issuance is signed by voters equal to five percent of the votes  
22 cast in the city in the last general election and is filed with  
23 the city clerk within 30 days after the public hearing. The  
24 commissioner of revenue shall prepare a suggested form of the  
25 question to be presented at the election. The election must be  
26 held on one of the dates specified by section 204D.035,  
27 subdivision 3.

28 Sec. 17. Minnesota Statutes 2004, section 475.58,  
29 subdivision 1, is amended to read:

30 Subdivision 1. [APPROVAL BY ELECTORS; EXCEPTIONS.]  
31 Obligations authorized by law or charter may be issued by any  
32 municipality upon obtaining the approval of a majority of the  
33 electors voting at a special or general election held on one of  
34 the dates specified in section 204D.035, subdivision 3, on the  
35 question of issuing the obligations, but an election shall not  
36 be required to authorize obligations issued:

- 1 (1) to pay any unpaid judgment against the municipality;
- 2 (2) for refunding obligations;
- 3 (3) for an improvement or improvement program, which
- 4 obligation is payable wholly or partly from the proceeds of
- 5 special assessments levied upon property specially benefited by
- 6 the improvement or by an improvement within the improvement
- 7 program, or of taxes levied upon the increased value of property
- 8 within a district for the development of which the improvement
- 9 is undertaken, including obligations which are the general
- 10 obligations of the municipality, if the municipality is entitled
- 11 to reimbursement in whole or in part from the proceeds of such
- 12 special assessments or taxes and not less than 20 percent of the
- 13 cost of the improvement or the improvement program is to be
- 14 assessed against benefited property or is to be paid from the
- 15 proceeds of federal grant funds or a combination thereof, or is
- 16 estimated to be received from such taxes within the district;
- 17 (4) payable wholly from the income of revenue producing
- 18 conveniences;
- 19 (5) under the provisions of a home rule charter which
- 20 permits the issuance of obligations of the municipality without
- 21 election;
- 22 (6) under the provisions of a law which permits the
- 23 issuance of obligations of a municipality without an election;
- 24 (7) to fund pension or retirement fund liabilities pursuant
- 25 to section 475.52, subdivision 6;
- 26 (8) under a capital improvement plan under section 373.40;
- 27 and
- 28 (9) under sections 469.1813 to 469.1815 (property tax
- 29 abatement authority bonds), if the proceeds of the bonds are not
- 30 used for a purpose prohibited under section 469.176, subdivision
- 31 4g, paragraph (b).

32 Sec. 18. Minnesota Statutes 2004, section 475.58,  
33 subdivision 1a, is amended to read:

34 Subd. 1a. [RESUBMISSION LIMITATION.] If the electors do  
35 not approve the issuing of obligations at an election required  
36 by subdivision 1, the question of authorizing the obligations

1 for the same purpose and in the same amount may not be submitted  
2 to the electors ~~within a period of~~ until a special or general  
3 election held on a date specified in section 204D.035,  
4 subdivision 3, and not sooner than 180 days from the date the  
5 election was held. If the question of authorizing the  
6 obligations for the same purpose and in the same amount is not  
7 approved a second time it may not be submitted to the electors  
8 within a period of one year after the second election.

9 Sec. 19. Minnesota Statutes 2004, section 475.59, is  
10 amended to read:

11 475.59 [MANNER OF SUBMISSION; NOTICE.]

12 When the governing body of a municipality resolves to issue  
13 bonds for any purpose requiring the approval of the electors, it  
14 shall provide for submission of the proposition of their  
15 issuance at a general or special election held on a date  
16 specified by section 204D.035, subdivision 3, or at a town or  
17 school district meeting. Notice of such election or meeting  
18 shall be given in the manner required by law and shall state the  
19 maximum amount and the purpose of the proposed issue. In any  
20 school district, the school board or board of education may,  
21 according to its judgment and discretion, submit as a single  
22 ballot question or as two or more separate questions in the  
23 notice of election and ballots the proposition of their issuance  
24 for any one or more of the following, stated conjunctively or in  
25 the alternative: acquisition or enlargement of sites,  
26 acquisition, betterment, erection, furnishing, equipping of one  
27 or more new schoolhouses, remodeling, repairing, improving,  
28 adding to, betterment, furnishing, equipping of one or more  
29 existing schoolhouses. In any city, town, or county, the  
30 governing body may, according to its judgment and discretion,  
31 submit as a single ballot question or as two or more separate  
32 questions in the notice of election and ballots the proposition  
33 of their issuance, stated conjunctively or in the alternative,  
34 for the acquisition, construction, or improvement of any  
35 facilities at one or more locations.

36 Sec. 20. [REPEALER.]

1 Minnesota Statutes 2004, sections 204C.05, subdivisions 1a  
2 and 1b; 205.175; and 205A.09, are repealed.

3 Sec. 21. [EFFECTIVE DATE.]

4 This article is effective January 1, 2006.

Article 1 QUARTERLY STATE AND LOCAL ELECTION DATES..... page 1

Article 2 CONFORMING AMENDMENTS..... page 2

APPENDIX  
Repealed Minnesota Statutes for 05-0819

**204C.05 STATE ELECTIONS; HOURS FOR VOTING.**

Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500 inhabitants according to the most recent federal decennial census, which is located outside the metropolitan area as defined in section 473.121, subdivision 2, may fix a later time for voting to begin at state primary, special, or general elections, if approved by a vote of the town electors at the annual town meeting. The question of shorter voting hours must be included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall either post or publish notice of the changed hours and notify the county auditor of the change 30 days before the election.

Subd. 1b. **Elections; unorganized territory.** An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours if at least 20 percent of the registered voters residing in the voting district sign a petition for shorter hours and present it to the county auditor. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The county auditor shall either post or publish notice of the changed hours, within the voting district, 30 days before the election.

**205.175 VOTING HOURS.**

Subdivision 1. **Minimum voting hours.** In all municipal elections, the polling places will remain open for voting from 5:00 p.m. to 8:00 p.m.

Subd. 2. **Metropolitan area municipalities.** The governing body of a municipality which is located within a metropolitan county as defined by section 473.121 may designate the time during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections, provided that the polling places shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the municipal governing body.

Subd. 3. **Other municipalities.** The governing body of a municipality other than a municipality described in subdivision 2, may by resolution adopted prior to giving notice of the election, designate the time, in addition to the minimum voting hours provided in subdivision 1, during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections. The resolution shall remain in force until it is revoked by the municipal governing body or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last municipal election, is presented to the municipal clerk no later than 30 days prior to the municipal election, then the polling places for that election shall open at 10:00 a.m. and close at 8:00 p.m. The municipal clerk shall give ten days' notice of the changed voting hours and notify the county auditor of the change. Municipalities covered by this subdivision shall certify their election hours to the county auditor in January of each year.



APPENDIX  
Repealed Minnesota Statutes for 05-0819

**205A.09 VOTING HOURS.**

**Subdivision 1. Metropolitan area school districts.**

At a school district election in a school district located in whole or in part within a metropolitan county as defined by section 473.121, the school board, by resolution adopted before giving notice of the election, may designate the time during which the polling places will remain open for voting at the next succeeding and all later school district elections. The polling places must open no later than 10:00 a.m. and close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the school board.

**Subd. 2. Other school districts.** At a school district election in a school district other than one described in subdivision 1, the school board, by resolution adopted before giving notice of the election, may designate the time during which the polling places will remain open for voting at the next succeeding and all later school district elections. All polling places must be open between the hours of 5:00 p.m. and 8:00 p.m. The resolution must remain in force until it is revoked by the school board or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last school district election, is presented to the school district clerk no later than 30 days before a school district election, then the polling places for that election must open at 10:00 a.m. and close at 8:00 p.m. The school district clerk must give ten days' published notice and posted notice of the changed voting hours and notify appropriate county auditors of the change.

1.1 Senator ..... moves to amend S.F. No. 827 as follows:

1.2 Page 1, delete section 1 and insert:

1.3 " Section 1. [204D.035] UNIFORM ELECTION DAY.

1.4 Subdivision 1. Elections covered. This section applies to all state, county,  
1.5 municipal, school district, and any other political subdivision elections held in the state  
1.6 of Minnesota, and elections on ballot questions, except for (1) elections held to fill a  
1.7 vacancy in office and required by statute to be held sooner than the next day designated in  
1.8 subdivision 2, or (2) elections conducted by mail.

1.9 Subd. 2. Elections on designated days. (a) Notwithstanding other law to the  
1.10 contrary, elections covered in subdivision 1 may be held only on the following days:

- 1.11 (1) the fourth Tuesday in January;
- 1.12 (2) the second Tuesday in March;
- 1.13 (3) the third Tuesday in May;
- 1.14 (4) the first Tuesday after the second Monday in September; and
- 1.15 (5) the first Tuesday after the first Monday in November.

1.16 (b) The time period in which a special election must be conducted under any  
1.17 other law or charter provision must be extended to conform to the requirements of this  
1.18 subdivision.

1.19 Subd. 3. Primary date if not specified. If other law provides for a primary to take  
1.20 place for a particular office but does not specify the date of the primary, the primary may  
1.21 be held on one of the days specified in subdivision 2, clauses (1) to (4). The general  
1.22 election for the office must be held on the date listed in subdivision 2 that immediately  
1.23 follows the date chosen for the primary.

1.24 Subd. 4. Election times and polling places. An election held in a jurisdiction on  
1.25 one of the days specified in subdivision 2 must be held during the hours determined under  
1.26 section 204C.05. The governing body of the municipality must set the polling place  
1.27 locations to be used for each precinct in all elections in any calendar year before the  
1.28 start of that calendar year.

1.29 Subd. 5. Applicable laws. Except as otherwise provided by this section, Minnesota  
1.30 election law remains applicable to elections held on any of the days listed in subdivision 2."

March 28, 2005

The Honorable Charles W. Wiger  
Minnesota State Senate  
226 State Capitol  
75 Dr. Martin Luther King Blvd.  
St. Paul, MN 55155

Re: S.F. No. 827; Quarterly Election Date Bill

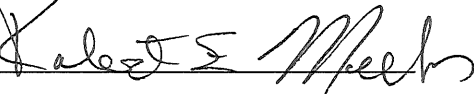
Dear Senator Wiger:

As per our discussion, this is a letter of opposition and concern from each of the associations representing local units of government in Minnesota regarding the provisions of Senate File No. 827. We each believe that this bill restricts the rights of local government entities to set their election dates to coincide with their construction schedules, enrollment needs and the needs of their communities. To the extent the bill delays projects, it will cost local units additional money as a result of inflation and rising construction costs. It will also narrow the ability of municipalities and school districts to submit needed measures to the voters in a timely manner. The bill would not have the effect of simplifying the administration of elections and, in many cases, would make elections more complicated because of overlapping boundaries of the local units affected. While we have tried, we have been unable to reach consensus with the proponents of this measure.

Thank you again for your consideration of our concerns.

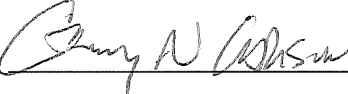
MINNESOTA SCHOOL BOARDS ASSOCIATION

By:



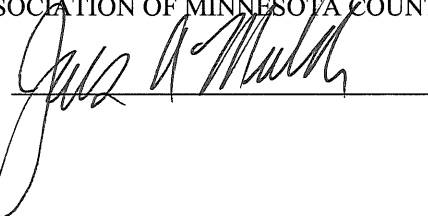
LEAGUE OF MINNESOTA CITIES

By:



ASSOCIATION OF MINNESOTA COUNTIES

By:



MINNESOTA ASSOCIATION OF TOWNSHIPS

By:



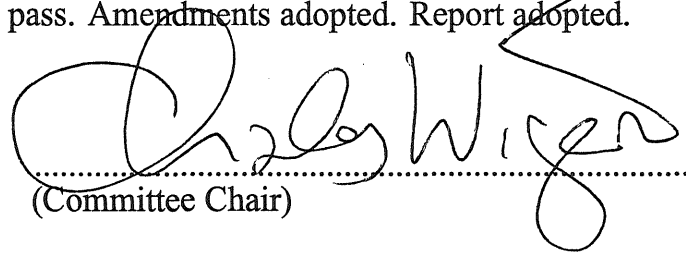
1.1 **Senator Wiger from the Committee on Elections, to which was referred**

1.2 **S.F. No. 58:** A bill for an act relating to the legislature; reducing the number of  
1.3 members of the senate and house of representatives; amending Minnesota Statutes 2004,  
1.4 sections 2.021; 2.031, subdivision 1; repealing Minnesota Statutes 2004, section 2.031,  
subdivision 2.

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

1.7 Page 2, line 1, delete "2007" and insert "2013"

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

  
.....  
(Committee Chair)

1.9  
1.10

1.11 March 22, 2006 .....  
1.12 (Date of Committee recommendation)

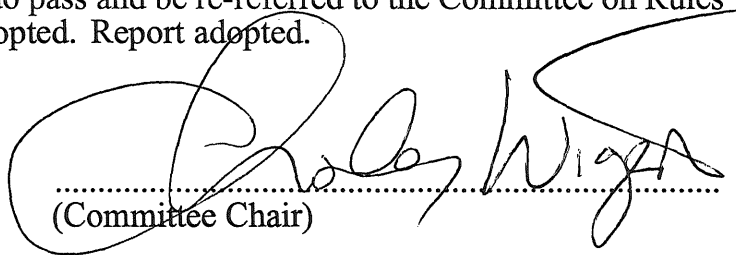
1.1 **Senator Wiger from the Committee on Elections, to which was referred**

1.2 **S.F. No. 425:** A bill for an act proposing an amendment to the Minnesota  
1.3 Constitution, article IV, section 4; providing staggered terms of office for senators.

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

1.5 Page 2, line 1, delete "2010" and insert "2012"

1.6 And when so amended the bill do pass and be re-referred to the Committee on Rules  
1.7 and Administration. Amendments adopted. Report adopted.

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

1.8  
1.9

1.10 March 22, 2006 .....  
1.11 (Date of Committee recommendation)

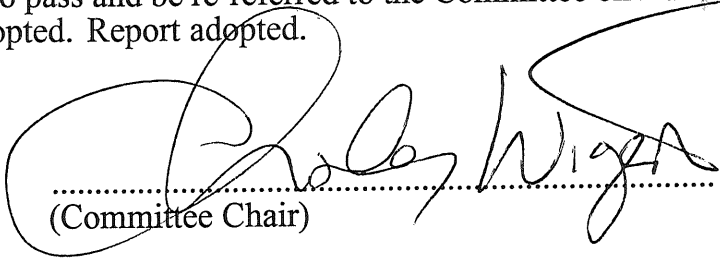
1.1 **Senator Wiger from the Committee on Elections, to which was referred**

1.2 **S.F. No. 425:** A bill for an act proposing an amendment to the Minnesota  
Constitution, article IV, section 4; providing staggered terms of office for senators.

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

1.5 Page 2, line 1, delete "2010" and insert "2012"

1.6 And when so amended the bill do pass and be re-referred to the Committee on Rules  
1.7 and Administration. Amendments adopted. Report adopted.

1.8   
1.9 (Committee Chair)

1.10 March 22, 2006 .....  
1.11 (Date of Committee recommendation)

1.1 **Senator Wiger from the Committee on Elections, to which was referred**

1.2 **S.F. No. 2743:** A bill for an act relating to elections; setting the criteria for voting  
1.3 systems to be used in elections; amending Minnesota Statutes 2005 Supplement, sections  
1.4 206.56, subdivisions 1b, 3, 7a, 7b, 8; 206.61, subdivision 5; 206.80; 206.805, subdivision  
1.5 1; 206.83; 206.90, subdivision 8.

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

1.7 Page 5, delete lines 19 and 20 and insert:

1.8 "**Sec. 11. VOTING MACHINES OPTIONS WORKING GROUP.**

1.9 (a) A working group is hereby established to investigate and recommend to the  
1.10 legislature requirements for additional options for voting equipment that complies with  
1.11 the requirements of section 301 of the Help America Vote Act, Public Law 107-252, to  
1.12 provide private and independent voting for individuals with disabilities.

1.13 The working group must be cochaired by representatives of the Minnesota Disability  
1.14 Law Center and Citizens for Election Integrity - Minnesota.

1.15 (b) The working group must convene its first meeting by June 2006 and must report  
1.16 to the legislature by February 15, 2007.

1.17 (c) The working group must include, but is not limited to:

1.18 (1) the disability community;

1.19 (2) the secretary of state;

1.20 (3) county and local election officials;

1.21 (4) major and minor political parties;

1.22 (5)(i) one member of the senate majority caucus and one member of the senate  
1.23 minority caucus appointed by the Subcommittee on Committees of the Committee on  
1.24 Rules and Administration;

1.25 (ii) one member of the house majority caucus and one member of the house minority  
1.26 caucus appointed by the speaker;

1.27 (6) nonpartisan organizations;

1.28 (7) at least one individual with computer security expertise and knowledge of  
1.29 elections; and

1.30 (8) members of the public, other than vendors of election equipment, selected  
1.31 by consensus of the other members, including representatives of language and other  
1.32 minorities.

1.33 (d) Members of the working group will be selected by:

1.34 (1) a representative of the OSS;

1.35 (2) a representative of the county election officials;

1.36 (3) the cochairs; and

1.37 (4) two legislators representing each party.

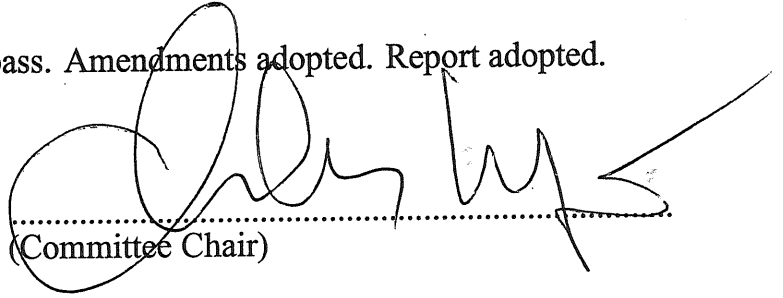
1.38 This section expires April 1, 2007.

2.1 Sec. 12. **EFFECTIVE DATE.**

2.2 Sections 1 to 11 are effective the day following final enactment."

2.3 Amend the title accordingly

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



.....  
 (Committee Chair)

2.5  
2.6

2.7 March 22, 2006 .....  
2.8 (Date of Committee recommendation)



1.1 **Senator Wiger from the Committee on Elections, to which was referred**

1.2 **S.F. No. 3364:** A bill for an act relating to elections; moving the state primary from  
1.3 September to August and making conforming changes; amending Minnesota Statutes  
1.4 2004, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323;  
1.5 204B.33; 204D.03, subdivision 1; 205.065, subdivision 1; 205A.03, subdivision 2.

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

1.7 Page 2, line 34, delete the new language and insert "no later than the day after the  
1.8 candidate files the affidavit of candidacy or nominating petition for the office"

1.9 Page 4, after line 20, insert:

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

1.12 Subd. 1a. **Filing period.** In municipalities nominating candidates at a municipal  
1.13 primary, an affidavit of candidacy for a city office or town office voted on in November  
1.14 must be filed not more than 70 days nor less than 56 days before ~~the first Tuesday after the~~  
1.15 ~~second Monday in September preceding the municipal general election~~ primary. In all  
1.16 other municipalities, an affidavit of candidacy must be filed not more than 70 days and not  
1.17 less than 56 days before the municipal general election."

1.18 Page 4, after line 26, insert:

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

1.21 Subd. 1a. **Filing period.** Affidavits of candidacy must be filed with the school  
1.22 district clerk no earlier than the 70th day and no later than the 56th day before the ~~first~~  
1.23 ~~second Tuesday after the second Monday in September in the year~~ August when the  
1.24 school district general election is held in an odd-numbered year or before the state primary  
1.25 when the school district general election is held in an even-numbered year.

1.26 Sec. 11. Minnesota Statutes 2005 Supplement, section 447.32, subdivision 4, is  
1.27 amended to read:

1.28 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a  
1.29 candidate for the hospital board shall file an affidavit of candidacy for the election either  
1.30 as member at large or as a member representing the city or town where the candidate  
1.31 resides. The affidavit of candidacy must be filed with the city or town clerk not more than  
1.32 70 days nor less than 56 days before the ~~first Tuesday after the first Monday in November~~  
1.33 ~~of the year in which the general election is held~~ state primary. The city or town clerk must  
1.34 forward the affidavits of candidacy to the clerk of the hospital district or, for the first  
1.35 election, the clerk of the most populous city or town immediately after the last day of  
1.36 the filing period. A candidate may withdraw from the election by filing an affidavit of

2.1 withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last  
2.2 day to file affidavits of candidacy.

2.3 Voting must be by secret ballot. The clerk shall prepare, at the expense of the  
2.4 district, necessary ballots for the election of officers. Ballots must be printed on tan paper  
2.5 and prepared as provided in the rules of the secretary of state. The ballots must be marked  
2.6 and initialed by at least two judges as official ballots and used exclusively at the election.  
2.7 Any proposition to be voted on may also authorize the use of voting systems subject  
2.8 to chapter 206. Enough election judges may be appointed to receive the votes at each  
2.9 polling place. The election judges shall act as clerks of election, count the ballots cast,  
2.10 and submit them to the board for canvass.

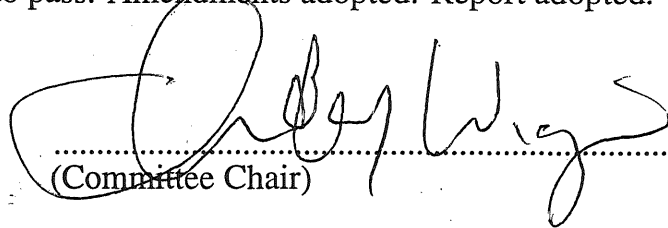
2.11 After canvassing the election, the board shall issue a certificate of election to the  
2.12 candidate who received the largest number of votes cast for each office. The clerk shall  
13 deliver the certificate to the person entitled to it in person or by certified mail. Each  
2.14 person certified shall file an acceptance and oath of office in writing with the clerk within  
2.15 30 days after the date of delivery or mailing of the certificate. The board may fill in any  
2.16 office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but  
2.17 qualification is effective if made before the board acts to fill the vacancy."

2.18 Renumber the sections in sequence

2.19 Amend the title accordingly

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

2.21  
2.22

  
.....  
(Committee Chair)

2.23 March 22, 2006 .....  
2.24 (Date of Committee recommendation)