

1.1 Senator ..... moves to amend S.F. No. 4729 as follows:

1.2 Page 2, after line 3, insert:

1.3 **"ARTICLE 1**

1.4 **ELECTIONS, CAMPAIGN FINANCE, AND REDISTRICTING POLICY"**

1.5 Page 61, after line 26, insert:

1.6 **"ARTICLE 2**

1.7 **MINNESOTA VOTING RIGHTS ACT**

1.8 Section 1. **[200.50] MINNESOTA VOTING RIGHTS ACT.**

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

1.10 Sec. 2. **[200.52] DEFINITIONS.**

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

1.13 Subd. 2. **Disparity.** "Disparity" means any variance that is supported by validated  
1.14 methodologies and, where relevant, is statistically significant.

1.15 Subd. 3. **Government official.** "Government official" means any individual who is  
1.16 elected or appointed to an office in this state or a political subdivision or who is authorized  
1.17 to act in an official capacity on behalf of the state or a political subdivision.

1.18 Subd. 4. **Language minority group.** "Language minority group" means a language  
1.19 minority group as that term is defined in the federal Voting Rights Act of 1965, as amended,  
1.20 as of the effective date of this act.

1.21 Subd. 5. **Method of election.** (a) "Method of election" means the method by which  
1.22 candidates are elected to the legislative body of a political subdivision, and includes at-large  
1.23 method of election, district-based method of election, or any alternative method of election.  
1.24 Method of election also includes the districting or redistricting plan used to elect candidates  
1.25 to the legislative body of a political subdivision.

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

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

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

**Subd. 6. Political subdivision.** "Political subdivision" means a county, city, town, or school district.

**Subd. 7. Politically cohesive.** "Politically cohesive" means that members of a group tend to prefer the same candidates, electoral choices, or policies.

**Subd. 8. Protected class.** "Protected class" means a class of citizens who are members of a racial, color, or language minority group, or who are members of a federally recognized Indian Tribe, including a class of two or more such groups.

**Subd. 9. Polarized voting.** "Polarized voting" means voting in which the candidate or electoral choice preferred by a protected class diverges from the candidate or electoral choice preferred by other voters.

**Subd. 10. Vote; voting.** "Vote" or "voting" includes any action necessary to cast a ballot and make that ballot count in any election, including but not limited to: registering to vote; applying for an absentee ballot; and any other action required by law as a prerequisite to casting a ballot and having that ballot counted, canvassed, certified, and included in the appropriate totals of votes cast with respect to an election.

**Subd. 11. Voting eligible population.** "Voting eligible population" means those individuals who are eligible to register and vote, regardless of whether the individuals are registered to vote.

### **Sec. 3. [200.53] CONSTRUCTION AND USE OF AUTHORITY.**

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

limited to discovery, procedure, admissibility of evidence, or remedies, the court must exercise that discretion and weigh other equitable discretion in favor of this right.

**Sec. 4. [200.54] VOTER SUPPRESSION AND VOTE DILUTION PROHIBITED.**

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

(b) A violation of this subdivision may be established if:

(1) the challenged qualification, law, ordinance, rule, standard, practice, procedure, policy, or action results in:

(i) a disparity in voter participation;

(ii) access to voting opportunities; or

(iii) the opportunity or ability to participate in the political process between a protected class and other members of the electorate; and

(2) the totality of the circumstances show that the challenged qualification, law, ordinance, rule, standard, practice, procedure, policy, or action is related to social and historical conditions affecting members of the protected class.

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

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

(1) either:

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

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

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

4.6 (c) To the extent that a new method of election or change to the existing method of  
4.7 election that is presented under paragraph (b), clause (2), is a proposed district-based plan  
4.8 that provides protected class members with one or more reasonably configured districts in  
4.9 which the protected class members would have an equal opportunity or ability to nominate  
4.10 or elect candidates of the protected class members' choice, it is not necessary to show that  
4.11 members of a protected class comprise a majority of the total population, voting age  
4.12 population, voting eligible population, or registered voter population in any such district or  
4.13 districts.

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

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

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

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

5.1       Sec. 5. **[200.55] RELEVANT FACTORS FOR DETERMINING VIOLATION.**

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

5.5       (1) the history of discrimination affecting members of the protected class;

5.6       (2) the extent to which members of the protected class are disadvantaged, or otherwise  
5.7 bear the effects of past public or private discrimination, in any areas that may hinder their  
5.8 ability to participate effectively in the political process, including education, employment,  
5.9 health, criminal justice, housing, transportation, land use, or environmental protection;

5.10      (3) whether members of the protected class vote at a lower rate than other voters;

5.11      (4) the use of overt or subtle racial appeals in political campaigns or by government  
5.12 officials;

5.13      (5) the extent to which members of the protected class have been elected to office;

5.14      (6) the extent to which members of the protected class have faced barriers with respect  
5.15 to accessing the ballot, receiving financial support, or receiving any other support for their  
5.16 candidacies for elective office;

5.17      (7) the extent to which candidates who are members of a protected class face hostility  
5.18 or barriers while campaigning due to the protected class membership;

5.19      (8) the extent of polarized voting;

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

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

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

5.27      (12) other factors the court may deem relevant.

5.28      Subd. 2. **Necessity of factors.** No one factor in subdivision 1 is dispositive or necessary  
5.29 to establish the existence of a violation of section 200.54, nor shall any specified number  
5.30 or combination of factors be required in establishing that such a violation has occurred. The  
5.31 court shall consider a particular factor only if and to the extent evidence pertaining to that

factor is introduced. The absence of evidence as to any particular factor does not preclude a finding of a violation of section 200.54.

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

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

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

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

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

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

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

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

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

**Sec. 6. [200.56] PRESUIT NOTICE.**

**Subdivision 1. Notice required.** (a) Except as provided in this section, before filing an action a prospective plaintiff shall send a notice letter to the political subdivision identifying the potential violation, the affected protected class, and the type of remedy the potential plaintiff believes may address the potential violation. The party may not file an action related to the violations described in the notice within 60 days after sending the notice letter.

(b) The notice letter required by paragraph (a) must include a legal analysis setting forth the potential violations of section 200.54 with specificity. The letter must establish a voter suppression claim, a vote dilution claim, or both. The letter must include a discussion of any relevant factors established in section 200.55, subdivision 1, and must include evidence to support the claims.

**Subd. 2. Responsibility of political subdivision.** The political subdivision shall work in good faith with the party that provided notice to implement a remedy that cures the potential violation. If the political subdivision adopts a resolution identifying a remedy, affirming its intent to enact and implement a remedy, and establishing a timeline and specific steps it will take to do so, it shall have 90 days after passing the resolution to enact and implement a remedy, during which time the party who sent a notice letter under this section may not file an action related to those violations against that political subdivision.

**Subd. 3. Approval of remedies.** If the political subdivision lacks authority to enact or implement an identified remedy, the political subdivision may nonetheless enact and implement the remedy upon approval by the district court. To seek approval, the political subdivision must file a petition in district court that identifies with specificity the law or other authority that prevents the remedy from being enacted or implemented. The venue for a petition under this subdivision is in the district court of the county where the challenged act or practice occurred, or in the District Court of Ramsey County. The district court may authorize the political subdivision to implement or enact the identified remedy notwithstanding the applicable law or authority to the contrary, if the court determines that the prospective plaintiff is likely to succeed in a lawsuit on the merits of the alleged violation; that the proposed remedy would address the alleged violation; and that the proposed remedy is narrowly tailored to that purpose.

**Subd. 4. When presuit notice is not required.** Notwithstanding subdivisions 1 and 2, a prospective plaintiff may file an action without first providing a notice letter if:

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

(2) the party is seeking to intervene or join an action that alleges a substantially similar violation; or

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

**Subd. 5. Cost sharing.** (a) If a political subdivision enacts or implements a remedy in response to a notice letter submitted under subdivision 1, the political subdivision and the

party who sent the notice letter must mutually agree on a reimbursement amount to be paid by the political subdivision to that party. The reimbursement amount must reflect the reasonable costs associated with producing and sending the letter and any accompanying evidence, subject to the limitations of this subdivision.

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

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

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

(c) The cumulative amount of reimbursements to all parties must not exceed \$20,000. Reimbursement amounts for attorney fees are limited to amounts calculated using a lodestar methodology.

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

## **Sec. 7. [200.57] RIGHT OF ACTION; VENUE; PRELIMINARY RELIEF.**

Subdivision 1. **Right of action.** (a) The attorney general, a county attorney, any individual aggrieved by a violation of this act, any entity whose membership includes individuals aggrieved by a violation of this act, any entity whose mission would be frustrated by a violation of this act, or any entity that would expend resources in order to fulfill its mission as a result of a violation of this act, may file an action in the district court for the county where the challenged act or practice has occurred, or in the district court of Ramsey County. Actions brought under this act are subject to expedited pretrial and trial proceedings and must receive an automatic calendar preference.

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

Subd. 2. **Preliminary relief.** In any action seeking a temporary injunction or other preliminary relief under this act before an election, the court shall grant relief only if, in addition to any other factors considered in seeking an injunction or preliminary relief the



9.1 court determines that it is possible to implement appropriate preliminary relief that would  
9.2 address the alleged violation before the election.

9.3 Sec. 8. **[200.58] REMEDIES.**

9.4 Notwithstanding any other law, if the court finds a violation of any provision of section  
9.5 200.54, the court has authority to order remedies that are tailored to best mitigate the  
9.6 violation. Any remedy ordered by the court must be constructed in favor of the factors listed  
9.7 in section 200.53, subdivision 1. The court may consider, among others, any remedy that  
9.8 has been ordered by a federal court or the court of another state jurisdiction, including  
9.9 through a court-approved consent decree or settlement adopted in the context of similar  
9.10 facts or to remedy a similar violation. The court shall consider remedies proposed by any  
9.11 parties and may consider remedies proposed by interested nonparties. The court may not  
9.12 provide deference or priority to a proposed remedy offered by a defendant or political  
9.13 subdivision simply because the remedy has been proposed by the defendant or political  
9.14 subdivision.

9.15 Sec. 9. **[200.59] FEES AND COSTS.**

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

9.21 Sec. 10. Minnesota Statutes 2022, section 204B.175, is amended to read:

9.22 **204B.175 CHANGE OF POLLING PLACE IN AN EMERGENCY.**

9.23 Subdivision 1. **Application.** When an emergency occurs after the deadline to designate  
9.24 a polling place for the purpose of absentee or early voting pursuant to section 203B.081, or  
9.25 after the deadline to designate a polling place pursuant to section 204B.16 but before the  
9.26 polls close on election day, a new polling place may be designated ~~for that election~~ pursuant  
9.27 to this section. For purposes of this section, an emergency is any situation that prevents the  
9.28 safe, secure, and full operation of a polling place, or when required to remedy a potential  
9.29 violation of section 200.54.

9.30 Subd. 2. **Changing polling place.** If a local election official determines that an emergency  
9.31 has occurred or is imminent, the local election official must procure a polling place that is  
9.32 as near the designated polling place as possible and that complies with the requirements of

section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new polling place in the precinct, the polling place may be located outside of the precinct without regard to the distance limitations in section 204B.16, subdivision 1. If a polling location is changed to remedy a potential violation of 200.54, the location of the polling place must be selected to remedy the violation. The local election official must certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Subd. 2a. **Designation of additional polling places.** A local election official may designate additional polling locations, notwithstanding the deadlines in section 203B.081, if additional designations are required to remedy a potential violation of section 200.54. The local election official must certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Subd. 3. **Notice.** (a) Upon making the determination to relocate a polling place, the local election official must immediately notify the county auditor and the secretary of state. The notice must include the reason for the relocation and the reason for the location of the new polling place. As soon as possible, the local election official must also post a notice stating the reason for the relocation and the location of the new polling place. The notice must also be posted on the website of the public body, if there is one. The local election official must also notify the election judges and request that local media outlets publicly announce the reason for the relocation and the location of the polling place. If the relocation occurs more than 14 days prior to the election, the local election official must mail a notice to impacted voters of the reason for the relocation and the location of the polling place.

(b) On election day, the local election official must post a notice in large print in a conspicuous place at the polling place where the emergency occurred, if practical, stating the location of the new polling place. The local election official must also post the notice, if practical, in a location visible by voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must include a statement that the polling place hours at the new polling place will be extended until the specified time.

Sec. 11. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Amend the title accordingly