

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 789

01/25/2023 Authored by Becker-Finn, Long, Moller, Stephenson, Kotyza-Witthuhn and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy
03/06/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to elections; permitting a candidate to request the candidate's residential
1.3 address be classified as private data when the candidate has reasonable fear as to
1.4 the safety of the candidate or the candidate's family; amending Minnesota Statutes
1.5 2022, section 204B.06, subdivision 1b.

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

1.7 Section 1. Minnesota Statutes 2022, section 204B.06, subdivision 1b, is amended to read:

1.8 Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must state a
1.9 telephone number where the candidate can be contacted. An affidavit must also state the
1.10 candidate's address of residence as determined under section 200.031, or at the candidate's
1.11 request in accordance with paragraph (c), the candidate's campaign contact address. The
1.12 form for the affidavit of candidacy must allow the candidate to request, if eligible, that the
1.13 candidate's address of residence be classified as private data, and to provide the certification
1.14 required under paragraph (c) for classification of that address.

1.15 (b) If an affidavit for an office where a residency requirement must be satisfied by the
1.16 close of the filing period is filed as provided by paragraph (c), the filing officer must, within
1.17 one business day of receiving the filing, determine whether the address provided in the
1.18 affidavit of candidacy is within the area represented by the office the candidate is seeking.
1.19 For all other candidates who filed for an office whose residency requirement must be satisfied
1.20 by the close of the filing period, a registered voter in this state may request in writing that
1.21 the filing officer receiving the affidavit of candidacy review the address as provided in this
1.22 paragraph, at any time up to one day after the last day for filing for office. If requested, the
1.23 filing officer must determine whether the address provided in the affidavit of candidacy is
1.24 within the area represented by the office the candidate is seeking. If the filing officer

2.1 determines that the address is not within the area represented by the office, the filing officer
2.2 must immediately notify the candidate and the candidate's name must be removed from the
2.3 ballot for that office. A determination made by a filing officer under this paragraph is subject
2.4 to judicial review under section 204B.44.

2.5 (c) If the candidate requests that the candidate's address of residence be classified as
2.6 private data, the candidate must list the candidate's address of residence on a separate form
2.7 to be attached to the affidavit. The candidate must also certify on the affidavit that either:

2.8 (1) a police report has been submitted or, an order for protection has been issued, or the
2.9 candidate has a reasonable fear in regard to the safety of the candidate or the candidate's
2.10 family; or

2.11 (2) that the candidate's address is otherwise private pursuant to Minnesota law.

2.12 The address of residence provided by a candidate who makes a request for classification
2.13 on the candidate's affidavit of candidacy and provides the certification required by this
2.14 paragraph is classified as private data, as defined in section 13.02, subdivision 12, but may
2.15 be reviewed by the filing officer as provided in this subdivision.

2.16 (d) The requirements of this subdivision do not apply to affidavits of candidacy for a
2.17 candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.