

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3508**

03/23/2016 Authored by Fabian and Heintzeman

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to elections; providing for Public Utilities Commission members to
1.3 be elected at the state general election; amending Minnesota Statutes 2014,
1.4 sections 10A.01, subdivision 10; 10A.09, subdivision 6a; 204B.06, subdivision
1.5 4a; 204B.11, subdivision 1; 204B.32, subdivision 2; 204D.02, subdivision 1;
1.6 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision
1.7 1; 211B.01, subdivision 3; 216A.03, subdivision 3, by adding subdivisions;
1.8 290.06, subdivision 23; Minnesota Statutes 2015 Supplement, section 10A.27,
1.9 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.10 204D; repealing Minnesota Statutes 2014, section 216A.03, subdivisions 1, 1a.

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

1.12 Section 1. Minnesota Statutes 2014, section 10A.01, subdivision 10, is amended to read:

1.13 Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or
1.14 election as a state constitutional officer, legislator, or judge. An individual is deemed to seek
1.15 nomination or election if the individual has taken the action necessary under the law of this
1.16 state to qualify for nomination or election, has received contributions or made expenditures
1.17 in excess of \$750, or has given implicit or explicit consent for any other person to receive
1.18 contributions or make expenditures in excess of \$750, for the purpose of bringing about the
1.19 individual's nomination or election. A candidate remains a candidate until the candidate's
1.20 principal campaign committee is dissolved as provided in section 10A.243. Candidate also
1.21 means an individual who seeks nomination or election to the Public Utilities Commission.

1.22 Sec. 2. Minnesota Statutes 2014, section 10A.09, subdivision 6a, is amended to read:

1.23 Subd. 6a. **Place of filing.** A public official required to file a statement under this
1.24 section must file it with the board. A local official required to file a statement under this
1.25 section must file it with the governing body of the official's political subdivision, except
1.26 that a candidate for or member of the Public Utilities Commission must file the statement

2.1 with the board. The governing body must maintain statements filed with it under this
2.2 subdivision as public data. If an official position is defined as both a public official and as
2.3 a local official of a metropolitan governmental unit under this chapter, the official must
2.4 file the statement with the board.

2.5 Sec. 3. Minnesota Statutes 2015 Supplement, section 10A.27, subdivision 1, is
2.6 amended to read:

2.7 Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2,
2.8 a candidate must not permit the candidate's principal campaign committee to accept
2.9 aggregate contributions made or delivered by any individual, political committee, political
2.10 fund, or association not registered with the board in excess of the following:

2.11 (1) to candidates for governor and lieutenant governor running together, \$4,000
2.12 in the election segment of an election cycle for the office sought and \$2,000 in the
2.13 nonelection segment of the election cycle;

2.14 (2) to a candidate for attorney general, \$2,500 in the election segment of an election
2.15 cycle for the office sought and \$1,500 in the nonelection segment of the election cycle;

2.16 (3) to a candidate for secretary of state or state auditor, \$2,000 in the election
2.17 segment of an election cycle and \$1,000 in the nonelection segment of the election cycle;

2.18 (4) to a candidate for state senator or Public Utilities Commission member, \$1,000 in
2.19 the election segment of an election cycle for the office sought and \$1,000 in a nonelection
2.20 segment of the election cycle;

2.21 (5) to a candidate for state representative, \$1,000 in the election segment of an
2.22 election cycle for the office sought; and

2.23 (6) to a candidate for judicial office, \$2,500 in the election segment of an election
2.24 cycle for the office sought and \$2,500 in a nonelection segment of the election cycle.

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

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

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

2.31 (c) A lobbyist, political committee, political party unit, an association that has a
2.32 political fund, or an association not registered with the board must not make a contribution
2.33 a candidate is prohibited from accepting.

2.34 Sec. 4. Minnesota Statutes 2014, section 204B.06, subdivision 4a, is amended to read:

3.1 Subd. 4a. **State and local offices.** Candidates who seek nomination for the
3.2 following offices shall state the following additional information on the affidavit:

3.3 (1) for governor or lieutenant governor, that on the first Monday of the next January
3.4 the candidate will be 25 years of age or older and, on the day of the state general election,
3.5 a resident of Minnesota for not less than one year;

3.6 (2) for Supreme Court justice, Court of Appeals judge, or district court judge, that
3.7 the candidate is learned in the law;

3.8 (3) for Public Utilities Commission, county, municipal, school district, or special
3.9 district office, that the candidate meets any other qualifications for that office prescribed
3.10 by law;

3.11 (4) for senator or representative in the legislature, that on the day of the general or
3.12 special election to fill the office the candidate will have resided not less than one year in
3.13 the state and not less than six months in the legislative district from which the candidate
3.14 seeks election.

3.15 Sec. 5. Minnesota Statutes 2014, section 204B.11, subdivision 1, is amended to read:

3.16 Subdivision 1. **Amount; dishonored checks; consequences.** Except as provided
3.17 by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of
3.18 candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing
3.19 fee shall vary with the office sought as follows:

3.20 (a) for the office of governor, lieutenant governor, attorney general, state auditor,
3.21 secretary of state, representative in Congress, judge of the Supreme Court, judge of the
3.22 Court of Appeals, or judge of the district court, \$300;

3.23 (b) for the office of senator in Congress, \$400;

3.24 (c) for office of senator or representative in the legislature, \$100;

3.25 (d) for a Public Utilities Commission or county office, \$50; and

3.26 (e) for the office of soil and water conservation district supervisor, \$20.

3.27 For the office of presidential elector, and for those offices for which no compensation
3.28 is provided, no filing fee is required.

3.29 The filing fees received by the county auditor shall immediately be paid to the
3.30 county treasurer. The filing fees received by the secretary of state shall immediately be
3.31 paid to the commissioner of management and budget.

3.32 When an affidavit of candidacy has been filed with the appropriate filing officer and
3.33 the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's
3.34 filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient
3.35 funds are not available or that is dishonored, notice to the candidate of the worthless

instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 604.113. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 6. Minnesota Statutes 2014, section 204B.32, subdivision 2, is amended to read:

Subd. 2. **Allocation of election expenses.** The secretary of state shall develop procedures for the allocation of election expenses among counties, municipalities, ~~and school districts,~~ and the Public Utilities Commission for elections that are held concurrently. The following expenses must be included in the procedures: salaries of election judges; postage for absentee ballots and applications; preparation of polling places; preparation and testing of electronic voting systems; ballot preparation; publication of election notices and sample ballots; transportation of ballots and election supplies; and compensation for administrative expenses of the county auditor, municipal clerk, or school district clerk.

Sec. 7. Minnesota Statutes 2014, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. **Officers.** All elective state, Public Utilities Commission, and county officers, justices of the Supreme Court, judges of the Court of Appeals and district court, state senators and state representatives, and senators and representatives in Congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 8. Minnesota Statutes 2014, section 204D.08, subdivision 6, is amended to read:

Subd. 6. **State and county nonpartisan primary ballot.** The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed in the manner provided in the rules of the secretary of state. The names of candidates for nomination to the Supreme Court, Court of Appeals, district court, and all Public Utilities Commission and county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

5.1 Sec. 9. **[204D.265] VACANCY IN OFFICE OF PUBLIC UTILITIES**
5.2 **COMMISSION MEMBER.**

5.3 Subdivision 1. **Election in 60 to 90 days.** Except as provided in subdivision 3, a
5.4 vacancy in the Office of Public Utilities Commission member must be filled at a special
5.5 election scheduled by the Public Utilities Commission on a date not less than 60 nor more
5.6 than 90 days after the vacancy occurs. The special primary or special election may be held
5.7 on the same day as a regular primary or general election, but the special election must
5.8 be held not less than 14 days after the special primary. The person elected at the special
5.9 election must take office immediately after receipt of the certificate of election and upon
5.10 taking the oath of office and must serve the remainder of the unexpired term. If the Public
5.11 Utilities Commission districts have been redrawn since the beginning of the term of the
5.12 vacant office, the election must be based on the district as redrawn.

5.13 Subd. 2. **When victor seated immediately.** If a vacancy for which a special
5.14 election is required occurs less than 60 days before the general election preceding the
5.15 end of the term, the vacancy must be filled by the person elected at that election for the
5.16 ensuing term and that person must take office immediately after receiving the certificate
5.17 of election and taking the oath of office.

5.18 Subd. 3. **Inability or refusal to serve.** In addition to when the events specified in
5.19 section 351.02 occur, a vacancy in the Office of Public Utilities Commission member may
5.20 be declared by the commission when a member is unable to serve in the office or attend
5.21 commission meetings for a 90-day period because of illness, or absence from or refusal
5.22 to attend, commission meetings for a 90-day period. If any of the conditions described
5.23 or referred to in this subdivision occur, the commission may, after the commission by
5.24 resolution has declared a vacancy to exist, appoint someone to fill the vacancy at a regular
5.25 or special meeting for the remainder of the unexpired term or until the ill or absent
5.26 member is again able to resume duties and attend meetings, whichever is earlier. If the
5.27 commission determines, by resolution, that the original member is again able to resume
5.28 duties and attend meetings, the commission must remove the appointed member and
5.29 restore the original member to office.

5.30 Sec. 10. Minnesota Statutes 2014, section 204D.27, is amended by adding a
5.31 subdivision to read:

5.32 Subd. 12. **Special Public Utilities Commission election.** (a) **State Canvassing**
5.33 **Board.** Except as provided in subdivision 4, the State Canvassing Board shall complete
5.34 its canvass of a special election for Public Utilities Commission member and declare the

6.1 results within four days after the returns of the county canvassing boards are certified to
6.2 the secretary of state, excluding Sundays and legal holidays.

6.3 (b) **Election contest.** In case of a contest of a special election for Public Utilities
6.4 Commission member, the notice of contest must be filed within two days after the canvass
6.5 is completed, excluding Sundays and legal holidays. In other respects, the contest must
6.6 proceed in the manner provided by law for contesting elections.

6.7 (c) **Certificate of election.** A certificate of election in a special election for Public
6.8 Utilities Commission member must be issued by the county auditor or the secretary of
6.9 state to the individual declared elected by the county or State Canvassing Board two days,
6.10 excluding Sundays and legal holidays, after the appropriate canvassing board finishes
6.11 canvassing the returns for the election. In case of a contest, the certificate must not be
6.12 issued until the district court decides the contest.

6.13 Sec. 11. Minnesota Statutes 2014, section 209.02, subdivision 1, is amended to read:

6.14 Subdivision 1. **General.** Any eligible voter, including a candidate, may contest in
6.15 the manner provided in this chapter: (1) the nomination or election of any person for
6.16 whom the voter had the right to vote if that person is declared nominated or elected to
6.17 the senate or the house of representatives of the United States, or to a statewide, Public
6.18 Utilities Commission, county, legislative, municipal, school, or district court office; or
6.19 (2) the declared result of a constitutional amendment or other question voted upon at an
6.20 election. The contest may be brought over an irregularity in the conduct of an election or
6.21 canvass of votes, over the question of who received the largest number of votes legally
6.22 cast, over the number of votes legally cast in favor of or against a question, or on the
6.23 grounds of deliberate, serious, and material violations of the Minnesota Election Law.

6.24 Sec. 12. Minnesota Statutes 2014, section 211B.01, subdivision 3, is amended to read:

6.25 Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination or
6.26 election to a federal, statewide, Public Utilities Commission, legislative, judicial, or local
6.27 office including special districts, school districts, towns, home rule charter and statutory
6.28 cities, and counties, except candidates for president and vice-president of the United States.

6.29 Sec. 13. Minnesota Statutes 2014, section 216A.03, is amended by adding a
6.30 subdivision to read:

6.31 Subd. 1b. **Election of members.** The Public Utilities Commission shall consist of
6.32 one member elected at a state general election from each congressional district in the state.
6.33 The terms of members shall be six years and until their successors have been elected and

7.1 qualified. Each commissioner must reside within the congressional district in which
7.2 election is sought at the time of election.

7.3 Sec. 14. Minnesota Statutes 2014, section 216A.03, is amended by adding a
7.4 subdivision to read:

7.5 Subd. 1c. **Transition.** (a) Until commissioners have been elected from each
7.6 congressional district, this subdivision governs membership of the commission.

7.7 (b) The governor shall appoint a commissioner by and with the advice and consent
7.8 of the senate to replace a commissioner whose term expires in July 2017. The appointment
7.9 shall be for a term that expires January 7, 2019. At the state general election held in
7.10 November 2018, commissioners shall be elected from:

7.11 (1) the first and second congressional districts for a term of four years and until their
7.12 successors have been elected and qualified; and

7.13 (2) the third, fourth, and fifth congressional districts for a period of six years and
7.14 until their successors have been elected and qualified.

7.15 (c) The governor shall appoint a commissioner by and with the advice and consent of
7.16 the senate to replace a commissioner whose term expires January 6, 2020. The appointment
7.17 shall be for a term that expires January 4, 2021. At the state general election held in
7.18 November 2020, commissioners shall be elected from the sixth and seventh congressional
7.19 districts for a term of six years and until their successors have been elected and qualified.

7.20 (d) The governor shall appoint a commissioner by and with the advice and consent
7.21 of the senate to replace a commissioner whose term expires January 3, 2022. The
7.22 appointment shall be for a term that expires January 2, 2023. At the state general election
7.23 held in November 2022, a commissioner shall be elected from the eighth congressional
7.24 district for a term of six years and until a successor has been elected and qualified.

7.25 Sec. 15. Minnesota Statutes 2014, section 216A.03, subdivision 3, is amended to read:

7.26 Subd. 3. **Chair.** The governor shall select one of the commissioners to serve as the
7.27 chair of the commission shall be elected by a majority vote of the commissioners for a
7.28 term concurrent with that of the governor of four years.

7.29 If a vacancy occurs in the position of chair, the governor commissioners shall select
7.30 elect a new chair by majority vote to complete the unexpired term.

7.31 Sec. 16. Minnesota Statutes 2014, section 290.06, subdivision 23, is amended to read:

7.32 Subd. 23. **Refund of contributions to political parties and candidates.** (a) A
7.33 taxpayer may claim a refund equal to the amount of the taxpayer's contributions made

in the calendar year to candidates and to a political party. The maximum refund for an individual must not exceed \$50 and for a married couple, filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the chair or treasurer of the party unit, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the campaign finance and public disclosure board upon its request. A claim must be filed with the commissioner no sooner than January 1 of the calendar year in which the contribution was made and no later than April 15 of the calendar year following the calendar year in which the contribution was made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution was made must include interest at the rate specified in section 270C.405.

(b) No refund is allowed under this subdivision for a contribution to a candidate unless the candidate:

(1) has signed an agreement to limit campaign expenditures as provided in section 10A.322;

(2) is seeking an office for which voluntary spending limits are specified in section 10A.25; and

(3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditures of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major party" or "minor party" includes the aggregate of that party's organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a candidate as defined in section 10A.01, subdivision 10, except a candidate for judicial office or the Public Utilities Commission.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

9.1 (e) The following data collected or maintained by the commissioner under this
9.2 subdivision are private: the identities of individuals claiming a refund, the identities
9.3 of candidates to whom those individuals have made contributions, and the amount of
9.4 each contribution.

9.5 (f) The commissioner shall report to the campaign finance and public disclosure
9.6 board by each August 1 a summary showing the total number and aggregate amount of
9.7 political contribution refunds made on behalf of each candidate and each political party.
9.8 These data are public.

9.9 (g) The amount necessary to pay claims for the refund provided in this section is
9.10 appropriated from the general fund to the commissioner of revenue.

9.11 (h) For a taxpayer who files a claim for refund via the Internet or other electronic
9.12 means, the commissioner may accept the number on the official receipt as documentation
9.13 that a contribution was made rather than the actual receipt as required by paragraph (a).

9.14 Sec. 17. **REPEALER.**

9.15 Minnesota Statutes 2014, section 216A.03, subdivisions 1 and 1a, are repealed.

APPENDIX
Repealed Minnesota Statutes: 16-6990

216A.03 PUBLIC UTILITIES COMMISSION.

Subdivision 1. **Members.** The Public Utilities Commission shall consist of five members. The terms of members shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. At least one commissioner must have been domiciled at the time of appointment outside the seven-county metropolitan area. If the membership of the commission after July 31, 1986, does not consist of at least one member domiciled at the time of appointment outside the seven-county metropolitan area, the membership shall conform to this requirement following normal attrition of the present commissioners. The governor when selecting commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting, property and utility valuation, finance, physical or natural sciences, production agriculture, or natural resources as well as being representative of the general public.

For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.

Subd. 1a. **Removal; vacancy.** The removal of members, and filling of vacancies on the commission shall be as provided in section 15.0575.