

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 938**

(SENATE AUTHORS: DIBBLE, Rest, Port, Osmek and Wiger)

DATE	D-PG	OFFICIAL STATUS
02/11/2021	335	Introduction and first reading Referred to Local Government Policy
02/25/2021	572	Author added Rest
03/10/2021	811	Author added Port
03/03/2022	5206	Authors added Osmek; Wiger

- 1.1 A bill for an act
- 1.2 relating to metropolitan government; providing for the election of Metropolitan
- 1.3 Council members; amending Minnesota Statutes 2020, sections 10A.01, subdivision
- 1.4 10; 10A.09, subdivision 6a; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.315;
- 1.5 10A.323; 10A.324, subdivision 1; 15.0597, subdivision 1; 200.02, subdivision 28;
- 1.6 204B.06, subdivision 4a; 204B.09, subdivisions 1, 1a; 204B.11; 204B.135,
- 1.7 subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08,
- 1.8 subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01,
- 1.9 subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; 473.123,
- 1.10 subdivisions 1, 3a, 4, by adding subdivisions; proposing coding for new law in
- 1.11 Minnesota Statutes, chapters 10A; 204D; repealing Minnesota Statutes 2020,
- 1.12 section 473.123, subdivisions 2a, 3; Laws 1994, chapter 628, article 1, section 8.
- 1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.14 Section 1. Minnesota Statutes 2020, section 10A.01, subdivision 10, is amended to read:
- 1.15 Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or election
- 1.16 as a state constitutional officer, legislator, ~~or judge,~~ or Metropolitan Council member. An
- 1.17 individual is deemed to seek nomination or election if the individual has taken the action
- 1.18 necessary under the law of this state to qualify for nomination or election, has received
- 1.19 contributions or made expenditures in excess of \$750, or has given implicit or explicit
- 1.20 consent for any other person to receive contributions or make expenditures in excess of
- 1.21 \$750, for the purpose of bringing about the individual's nomination or election. A candidate
- 1.22 remains a candidate until the candidate's principal campaign committee is dissolved as
- 1.23 provided in section 10A.243.
- 1.24 Sec. 2. Minnesota Statutes 2020, section 10A.09, subdivision 6a, is amended to read:
- 1.25 Subd. 6a. **Place of filing.** A public official required to file a statement under this section
- 1.26 must file it with the board. A local official required to file a statement under this section

must file it with the governing body of the official's political subdivision, except that a member of the Metropolitan Council must file the statement with the board. The governing body must maintain statements filed with it under this subdivision as public data. If an official position is defined as both a public official and as a local official of a metropolitan governmental unit under this chapter, the official must file the statement with the board.

Sec. 3. Minnesota Statutes 2020, section 10A.25, subdivision 2, is amended to read:

Subd. 2. **Amounts.** (a) In a segment of an election cycle, the principal campaign committee of the candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that result in aggregate expenditures in excess of the following:

(1) for governor and lieutenant governor, running together, \$3,817,700 in the election segment and \$1,697,400 in the nonelection segment;

(2) for attorney general, \$654,600 in the election segment and \$226,400 in the nonelection segment;

(3) for secretary of state and state auditor, separately, \$436,400 in the election segment and \$113,300 in the nonelection segment;

(4) for state senator, \$102,800 in the election segment and \$32,800 in a nonelection segment;

(5) for state representative, \$68,500 in the election segment; and

(6) for a member of the Metropolitan Council, \$90,000 in the election segment and \$30,000 in the nonelection segment.

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

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

(d) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who has not previously held the same office, whose name has not previously been on the primary or general election ballot for that office, and who has not in the past ten years raised or spent more than \$750 in a run for any other office whose territory now includes a population that is more than one-third of the population in the territory of the

new office. Candidates who qualify for first-time candidate status receive a ten percent increase in the campaign expenditure limit in all segments of the applicable election cycle. In the case of a legislative candidate, the office is that of a member of the house of representatives or senate without regard to any specific district.

Sec. 4. Minnesota Statutes 2020, section 10A.27, subdivision 1, is amended to read:

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

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

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

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

(4) to a candidate for state senator, \$1,000 in the election segment of an election cycle for the office sought and \$1,000 in a nonelection segment of the election cycle;

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

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

(7) to a candidate for the Metropolitan Council, \$1,000 in the election segment of an election cycle for the office sought and \$1,000 in the nonelection segment of the election cycle.

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

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

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

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

Sec. 5. **[10A.313] METROPOLITAN COUNCIL PUBLIC SUBSIDY.**

**Subdivision 1. Funding.** The Metropolitan Council must provide sufficient money to pay the public subsidy provided for in this section.

**Subd. 2. Eligibility.** A candidate is eligible to receive a public subsidy in the amount of \$20,000 if the candidate has filed with the board a spending limit agreement under section 10A.322 and an affidavit of contributions under section 10A.323, the candidate was opposed in the primary election or will be opposed in the general election, and the candidate's name will appear on the ballot in the general election.

**Subd. 3. Certification.** Within one week after the last day for filing a spending limit agreement under section 10A.322 and an affidavit of contributions under section 10A.323, the board must certify to the Metropolitan Council the maximum number of candidates eligible to receive the public subsidy. Within one week after receiving the certification, the Metropolitan Council must pay the board the amount necessary to fund the public subsidy for that number of candidates. The amount received must be deposited in the state treasury and credited to a Metropolitan Council public subsidy account in the special revenue fund. Money in the fund is appropriated to the board for purposes of the public subsidy program.

**Subd. 4. Payment.** The board shall pay the public subsidy to the eligible candidates as soon as the board has obtained from the secretary of state the results of the primary election but not later than one week after certification by the State Canvassing Board of the results of the primary. The board must return amounts not paid to candidates, or returned by candidates, to the Metropolitan Council.

Sec. 6. Minnesota Statutes 2020, section 10A.315, is amended to read:

**10A.315 SPECIAL ELECTION SUBSIDY.**

**Subdivision 1. Legislative office.** (a) Each eligible candidate for a legislative office in a special election must be paid a public subsidy equal to the sum of:

(1) the party account money at the last general election for the candidate's party for the office the candidate is seeking; and

(2) the general account money paid to a candidate for the same office at the last general election.

(b) A candidate who wishes to receive this public subsidy must submit a signed agreement under section 10A.322 to the board and must meet the contribution requirements of section 10A.323. The special election subsidy must be distributed in the same manner as money in the party and general accounts is distributed to legislative candidates in a general election.

(c) The amount necessary to make the payments required by this section is appropriated from the general fund for transfer to the state special elections campaign account for distribution by the board as set forth in this section.

Subd. 2. **Metropolitan Council office.** Each eligible candidate for Metropolitan Council office in a special election must be paid a public subsidy equal to the subsidy paid in a general election. To be eligible to receive this public subsidy, a candidate must file a spending limit agreement under section 10A.322 and meet the contribution requirements of section 10A.323, except that the candidate may count contributions received during the two months immediately preceding the special election, other than contributions the candidate has previously included on an affidavit for another election, and the amount required is one-quarter of the amount stated in section 10A.323. To receive the subsidy, the candidate must be opposed in either the primary or the general election. The special election subsidy must be distributed in the same manner as the public subsidy in a general election.

Sec. 7. Minnesota Statutes 2020, section 10A.323, is amended to read:

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

(a) In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must:

(1) between January 1 of the previous year and the cutoff date for transactions included in the report of receipts and expenditures due before the primary election, accumulate contributions from individuals eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor, excluding in-kind contributions:

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

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

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

(iv) candidates for the senate, \$3,000; ~~and~~

(v) candidates for the house of representatives, \$1,500; and

(vi) candidates for the Metropolitan Council, \$3,000;

(2) file an affidavit with the board stating that the principal campaign committee has complied with this paragraph. The affidavit must state the total amount of contributions that have been received from individuals eligible to vote in this state, excluding:

(i) the portion of any contribution in excess of \$50;

(ii) any in-kind contribution; and

(iii) any contribution for which the name and address of the contributor is not known and recorded; and

(3) submit the affidavit required by this section to the board in writing by the deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4.

(b) A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must accumulate the contributions specified in paragraph (a) and must submit the affidavit required by this section to the board within five days after the close of the filing period for the special election for which the candidate filed.

(c) Notwithstanding paragraphs (a) and (b), a candidate for a vacancy to be filled at a special election called under section 204B.13, subdivision 2, paragraph (c), must accumulate the contributions specified in paragraph (a) and must submit the affidavit required by this section to the board within 12 calendar days after the general election.

(d) A candidate or the candidate's treasurer must be able to electronically file the affidavit required under this section in the same manner as other reports required by this chapter. The board must not require the candidate or candidate's treasurer to notarize the affidavit of contribution.

Sec. 8. Minnesota Statutes 2020, section 10A.324, subdivision 1, is amended to read:

Subdivision 1. **When return required.** A candidate must return all or a portion of the public subsidy received from the state elections campaign account or the public subsidy received under section 10A.313 or 10A.315, under the circumstances in this section or section 10A.257, subdivision 1.

To the extent that the amount of public subsidy received exceeds the aggregate of: (1) actual expenditures made by the principal campaign committee of the candidate; and (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's principal campaign committee must return an amount equal to the difference to the board.

The cost of postage that was not used during an election cycle and payments that created credit balances at vendors at the close of an election cycle are not considered expenditures for purposes of determining the amount to be returned. Expenditures in excess of the candidate's spending limit do not count in determining aggregate expenditures under this paragraph.

Sec. 9. Minnesota Statutes 2020, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms shall have the meanings given them.

(b) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) ~~the Metropolitan Council,~~ a metropolitan agency, Capitol Area Architectural and Planning Board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. Vacancy includes a position that is to be filled through appointment of a nonlegislator by a legislator or group of legislators; vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(d) "Secretary" means the secretary of state.

Sec. 10. Minnesota Statutes 2020, section 200.02, subdivision 28, is amended to read:

Subd. 28. **Nonpartisan offices.** "Nonpartisan offices" means all judicial, Metropolitan Council, county, municipal, school district, and special district offices.

Sec. 11. Minnesota Statutes 2020, section 204B.06, subdivision 4a, is amended to read:

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

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

(2) for supreme court justice, court of appeals judge, or district court judge, that the candidate is learned in the law;

(3) for Metropolitan Council, county, municipal, school district, or special district office, that the candidate meets any other qualifications for that office prescribed by law;

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

Sec. 12. Minnesota Statutes 2020, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for Metropolitan Council, county, state, and federal offices filed at the state general election shall be filed not more than 84 days nor less than 70 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions at least 77 days before the general election day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices must be filed with the county auditor of that county. Affidavits and petitions for federal offices must be filed with the secretary of state. Affidavits and petitions for state and Metropolitan Council offices must be filed with the secretary of state or with the county auditor of the county in which the candidate resides.

(e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must be received by 5:00 p.m. on the last day for filing.

9.1 Sec. 13. Minnesota Statutes 2020, section 204B.09, subdivision 1a, is amended to read:

9.2 Subd. 1a. **Absent candidates.** (a) A candidate for special district, county, Metropolitan  
9.3 Council, state, or federal office who will be absent from the state during the filing period  
9.4 may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any  
9.5 necessary petitions in person to the filing officer. The candidate shall state in writing the  
9.6 reason for being unable to submit the affidavit during the filing period. The affidavit, filing  
9.7 fee, if any, and petitions must be submitted to the filing officer during the seven days  
9.8 immediately preceding the candidate's absence from the state. Nominating petitions may  
9.9 be signed during the 14 days immediately preceding the date when the affidavit of candidacy  
9.10 is filed.

9.11 (b) A candidate for special district, county, Metropolitan Council, state, or federal office  
9.12 who will be absent from the state during the entire filing period or who must leave the state  
9.13 for the remainder of the filing period and who certifies to the secretary of state that the  
9.14 circumstances constitute an emergency and were unforeseen, may submit a properly executed  
9.15 affidavit of candidacy by facsimile device or by transmitting electronically a scanned image  
9.16 of the affidavit to the secretary of state during the filing period. The candidate shall state in  
9.17 writing the specific reason for being unable to submit the affidavit by mail or by hand during  
9.18 the filing period or in person prior to the start of the filing period. The affidavit of candidacy,  
9.19 filing fee, if any, and any necessary petitions must be received by the secretary of state by  
9.20 5:00 p.m. on the last day for filing. If the candidate is filing for a special district or county  
9.21 office, the secretary of state shall forward the affidavit of candidacy, filing fee, if any, and  
9.22 any necessary petitions to the appropriate filing officer.

9.23 Sec. 14. Minnesota Statutes 2020, section 204B.11, is amended to read:

9.24 **204B.11 CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.**

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

9.29 (1) for the office of governor, lieutenant governor, attorney general, state auditor, secretary  
9.30 of state, representative in Congress, judge of the supreme court, judge of the court of appeals,  
9.31 or judge of the district court, \$300;

9.32 (2) for the office of senator in Congress, \$400;

10.1 (3) for office of senator or representative in the legislature or Metropolitan Council,  
10.2 \$100;

10.3 (4) for a county office, \$50; and

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

10.5 (b) For the office of presidential elector, and for those offices for which no compensation  
10.6 is provided, no filing fee is required.

10.7 (c) The filing fees received by the county auditor shall immediately be paid to the county  
10.8 treasurer. The filing fees received by the secretary of state shall immediately be paid to the  
10.9 commissioner of management and budget.

10.10 (d) When an affidavit of candidacy has been filed with the appropriate filing officer and  
10.11 the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's  
10.12 filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient  
10.13 funds are not available or that is dishonored, notice to the candidate of the worthless  
10.14 instrument must be sent by the filing officer via registered mail no later than immediately  
10.15 upon the closing of the filing deadline with return receipt requested. The candidate will  
10.16 have five days from the time the filing officer receives proof of receipt to issue a check or  
10.17 other instrument for which sufficient funds are available. The candidate issuing the worthless  
10.18 instrument is liable for a service charge pursuant to section 604.113. If adequate payment  
10.19 is not made, the name of the candidate must not appear on any official ballot and the  
10.20 candidate is liable for all costs incurred by election officials in removing the name from the  
10.21 ballot.

10.22 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of candidacy,  
10.23 a candidate may present a petition in place of the filing fee. The petition may be signed by  
10.24 any individual eligible to vote for the candidate. A nominating petition filed pursuant to  
10.25 section 204B.07 is effective as a petition in place of a filing fee if the nominating petition  
10.26 includes a prominent statement informing the signers of the petition that it will be used for  
10.27 that purpose.

10.28 The number of signatures on a petition in place of a filing fee shall be as follows:

10.29 (a) for a state office voted on statewide, or for president of the United States, or United  
10.30 States senator, 2,000;

10.31 (b) for a congressional office, 1,000;

10.32 (c) for the Metropolitan Council, a county or legislative office, or for the office of district  
10.33 judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 15. Minnesota Statutes 2020, section 204B.135, subdivision 2, is amended to read:

Subd. 2. **Other election districts.** For purposes of this subdivision, "local government election district" means a county district, park and recreation district, school district, ~~or~~ soil and water conservation district, or Metropolitan Council district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph (c). Election districts covered by this subdivision must be redistricted within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in the year ending in two, whichever comes first.

Sec. 16. Minnesota Statutes 2020, 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 Metropolitan Council 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. 17. Minnesota Statutes 2020, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. **Officers.** All elective state, Metropolitan Council, 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.

12.1 Sec. 18. Minnesota Statutes 2020, section 204D.08, subdivision 6, is amended to read:

12.2 Subd. 6. **State and county nonpartisan primary ballot.** The state and county nonpartisan  
12.3 primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be  
12.4 printed in the manner provided in the rules of the secretary of state. The names of candidates  
12.5 for nomination to the supreme court, court of appeals, district court, and all Metropolitan  
12.6 Council and county offices shall be placed on this ballot.

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

12.10 Sec. 19. **[204D.265] VACANCY IN OFFICE OF METROPOLITAN COUNCIL**  
12.11 **MEMBER.**

12.12 Subdivision 1. **Special election.** (a) Except as otherwise provided in subdivision 3, a  
12.13 vacancy in an office shall be filled by appointment by the Metropolitan Council until an  
12.14 election is held as provided in this subdivision. The appointee must reside in the district  
12.15 represented by the seat to be filled. In case of a tie vote in the Metropolitan Council, the  
12.16 chair shall make the appointment. If the vacancy occurs before the first day to file affidavits  
12.17 of candidacy for the next regular election and more than two years remain in the unexpired  
12.18 term, a special election shall be held at the next regular election and the appointed person  
12.19 shall serve until a successor is elected at a special election to fill the unexpired portion of  
12.20 the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for  
12.21 the regular election or when less than two years remain in the unexpired term, there need  
12.22 not be a special election to fill the vacancy and the appointed person shall serve until the  
12.23 qualification of a successor.

12.24 (b) The person elected at the special election must take office immediately after receipt  
12.25 of the certificate of election and, upon taking the oath of office, must serve the remainder  
12.26 of the unexpired term.

12.27 (c) If the Metropolitan Council districts have been redrawn since the beginning of the  
12.28 term of the vacant office, the election must be based on the district as redrawn.

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

13.1 Subd. 3. **Inability or refusal to serve.** In addition to a vacancy arising under section  
13.2 351.02, a vacancy in the office of a Metropolitan Council member may be declared by the  
13.3 Metropolitan Council when a member is unable to serve in the office or attend council  
13.4 meetings for a 90-day period because of illness, or absence from or refusal to attend council  
13.5 meetings for a 90-day period. If any of the conditions described in this subdivision occur,  
13.6 the council may, after the council by resolution has declared a vacancy to exist, appoint  
13.7 someone to fill the vacancy at a regular or special meeting for the remainder of the unexpired  
13.8 term or until the ill or absent member is able to resume duties and attend council meetings,  
13.9 whichever is earlier. If the council determines that the original member is able to resume  
13.10 duties and attend council meetings, the council must record this determination in a resolution  
13.11 and remove the appointed officeholder and restore the original member to office.

13.12 Sec. 20. Minnesota Statutes 2020, section 204D.27, is amended by adding a subdivision  
13.13 to read:

13.14 Subd. 13. **Special Metropolitan Council election.** (a) Except as provided in subdivision  
13.15 4, the State Canvassing Board shall complete its canvass of a special election for a  
13.16 Metropolitan Council member and declare the results within four days after the returns of  
13.17 the county canvassing boards are certified to the secretary of state, excluding Sundays and  
13.18 legal holidays.

13.19 (b) In case of a contest of a special election for a Metropolitan Council member, the  
13.20 notice of contest must be filed within two days after the canvass is completed, excluding  
13.21 Sundays and legal holidays. In other respects, the contest must proceed in the manner  
13.22 provided by law for contesting elections.

13.23 (c) A certificate of election in a special election for a Metropolitan Council member  
13.24 must be issued by the county auditor or the secretary of state to the individual declared  
13.25 elected by the county or State Canvassing Board two days after the appropriate canvassing  
13.26 board finishes canvassing the returns for the election, excluding Sundays and legal holidays.  
13.27 In case of a contest, the certificate must not be issued until the district court decides the  
13.28 contest.

13.29 Sec. 21. Minnesota Statutes 2020, section 209.02, subdivision 1, is amended to read:

13.30 Subdivision 1. **General.** Any eligible voter, including a candidate, may contest in the  
13.31 manner provided in this chapter: (1) the nomination or election of any person for whom the  
13.32 voter had the right to vote if that person is declared nominated or elected to the senate or  
13.33 the house of representatives of the United States, or to a statewide, Metropolitan Council,

county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

Sec. 22. Minnesota Statutes 2020, section 211A.01, subdivision 3, is amended to read:

Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office or a seat on the Metropolitan Council. For purposes of sections 211A.01 to 211A.05 and 211A.07, "candidate" also includes a candidate for the United States Senate or House of Representatives.

Sec. 23. Minnesota Statutes 2020, section 211B.01, subdivision 3, is amended to read:

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

Sec. 24. Minnesota Statutes 2020, section 353D.01, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** (a) Eligibility to participate in the defined contribution plan is available to:

(1) elected local government officials of a governmental subdivision who elect to participate in the plan under section 353D.02, subdivision 1, and who, for the elected service rendered to a governmental subdivision, are not members of the Public Employees Retirement Association within the meaning of section 353.01, subdivision 7;

(2) physicians who, if they did not elect to participate in the plan under section 353D.02, subdivision 2, would meet the definition of member under section 353.01, subdivision 7;

(3) basic and advanced life-support emergency medical service personnel who are employed by any public ambulance service that elects to participate under section 353D.02, subdivision 3;

(4) members of a municipal rescue squad associated with the city of Litchfield in Meeker County, or of a county rescue squad associated with Kandiyohi County, if an independent

15.1 nonprofit rescue squad corporation, incorporated under chapter 317A, performing emergency  
15.2 management services, and if not affiliated with a fire department or ambulance service and  
15.3 if its members are not eligible for membership in that fire department's or ambulance service's  
15.4 relief association or comparable pension plan;

15.5 (5) employees of the Port Authority of the city of St. Paul who elect to participate in the  
15.6 plan under section 353D.02, subdivision 5, and who are not members of the Public Employees  
15.7 Retirement Association under section 353.01, subdivision 7;

15.8 (6) city managers who elected to be excluded from the general employees retirement  
15.9 plan of the Public Employees Retirement Association under section 353.028 and who elected  
15.10 to participate in the public employees defined contribution plan under section 353.028,  
15.11 subdivision 3, paragraph (b);

15.12 (7) volunteer or emergency on-call firefighters serving in a municipal fire department  
15.13 or an independent nonprofit firefighting corporation who are not covered by the public  
15.14 employees police and fire retirement plan and who are not covered by a volunteer firefighters  
15.15 relief association and who elect to participate in the public employees defined contribution  
15.16 plan;

15.17 (8) elected county sheriffs who are former members of the police and fire plan and who  
15.18 are receiving a retirement annuity as provided under section 353.651; and

15.19 (9) persons who are excluded from membership under section 353.01, subdivision 2b,  
15.20 paragraph (a), clause (23).

15.21 (b) For purposes of this chapter, an elected local government official includes a person  
15.22 appointed to fill a vacancy in an elective office and a member of the Metropolitan Council.  
15.23 Service as an elected local government official only includes service for the governmental  
15.24 subdivision for which the official was elected by the public at large. Service as an elected  
15.25 local government official ceases and eligibility to participate terminates when the person  
15.26 ceases to be an elected official. An elected local government official does not include an  
15.27 elected county sheriff who must be a member of the police and fire plan as provided under  
15.28 chapter 353.

15.29 (c) Individuals otherwise eligible to participate in the plan under this subdivision who  
15.30 are currently covered by a public or private pension plan because of their employment or  
15.31 provision of services are not eligible to participate in the public employees defined  
15.32 contribution plan.

(d) A former participant is a person who has terminated eligible employment or service and has not withdrawn the value of the person's individual account.

Sec. 25. Minnesota Statutes 2020, section 473.123, subdivision 1, is amended to read:

Subdivision 1. **Creation.** A Metropolitan Council with jurisdiction in the metropolitan area is established as a public corporation and political subdivision of the state. Until the completion of redistricting following the 2020 census as required by subdivision 3a, it shall be under the supervision and control of 16 members and a chair, all of whom shall be residents of the metropolitan area are appointed by the governor. After the completion of redistricting following the 2020 census as required by subdivision 3a, it shall be under the supervision and control of 17 members, each elected from a district as provided in this section.

Sec. 26. Minnesota Statutes 2020, section 473.123, is amended by adding a subdivision to read:

Subd. 2b. **Terms.** Following each redistricting of council districts, as provided under subdivision 3a, council members must be elected from newly drawn districts. The terms of members are staggered as follows: members representing even-numbered districts have terms ending the first Monday in January of the year ending in the numeral "7;" and members representing odd-numbered districts have terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next redistricting. A member shall continue to serve the member's district until a successor is elected and qualified; except that, following each redistricting, the member shall continue to serve at large until a successor is elected and qualified from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section.

Sec. 27. Minnesota Statutes 2020, section 473.123, is amended by adding a subdivision to read:

Subd. 2c. **Membership.** After the completion of redistricting following the 2020 census, as required by subdivision 3a, 17 members must be elected from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council.

17.1 Sec. 28. Minnesota Statutes 2020, section 473.123, subdivision 3a, is amended to read:

17.2 Subd. 3a. **Redistricting.** The legislature shall redraw the boundaries of the council  
17.3 districts after each decennial federal census so that each district has substantially equal  
17.4 population. Redistricting is effective in the year ending in the numeral "3." ~~Within 60 days~~  
17.5 ~~after a redistricting plan takes effect, the governor shall appoint members from the newly~~  
17.6 ~~drawn districts to serve terms as provided under subdivision 2a.~~ At the general election in  
17.7 the year ending in the numeral "4," members must be elected from each of the newly drawn  
17.8 districts.

17.9 Sec. 29. Minnesota Statutes 2020, section 473.123, subdivision 4, is amended to read:

17.10 Subd. 4. **Chair; ~~appointment, officers, and~~ selection; duties and compensation.** (a)  
17.11 Until the completion of redistricting following the 2020 federal census as required by  
17.12 subdivision 3a, the chair of the Metropolitan Council shall be appointed by the governor as  
17.13 the 17th voting member thereof by and with the advice and consent of the senate to serve  
17.14 at the pleasure of the governor to represent the metropolitan area at large. Senate confirmation  
17.15 shall be as provided by section 15.066. After the completion of redistricting following the  
17.16 2020 federal census as required by subdivision 3a, the chair shall be elected from the  
17.17 membership of the council by the members of the council for a two-year term.

17.18 The chair of the Metropolitan Council shall, if present, preside at meetings of the council,  
17.19 have the primary responsibility for meeting with local elected officials, serve as the principal  
17.20 legislative liaison, present to the governor and the legislature, after council approval, the  
17.21 council's plans for regional governance and operations, serve as the principal spokesperson  
17.22 of the council, and perform other duties assigned by the council or by law.

17.23 (b) The Metropolitan Council shall elect other officers as it deems necessary for the  
17.24 conduct of its affairs for a one-year term. A secretary and treasurer need not be members  
17.25 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan  
17.26 Council and special meetings may be called by a majority of the members of the Metropolitan  
17.27 Council or by the chair. The chair and each Metropolitan Council member shall be reimbursed  
17.28 for actual and necessary expenses.

17.29 (c) Each member of the council shall attend and participate in council meetings and meet  
17.30 regularly with local elected officials and legislative members from the council member's  
17.31 district. Each council member shall serve on at least one division committee for  
17.32 transportation, environment, or community development.

(d) In the performance of its duties the Metropolitan Council may adopt policies and procedures governing its operation, establish committees, and, when specifically authorized by law, make appointments to other governmental agencies and districts.

Sec. 30. Minnesota Statutes 2020, section 473.123, is amended by adding a subdivision to read:

Subd. 4a. **Compensation.** Each Metropolitan Council member must be paid as authorized by the Metropolitan Council. The chair and each Metropolitan Council member must be reimbursed for actual and necessary expenses.

Sec. 31. **TRANSITION.**

The terms of the appointed chair and members of the Metropolitan Council holding office on the effective date of this act, and any successors appointed to serve, continue until the first Monday in January 2022. A Metropolitan Council member must be elected for each council district in the 2022 general election. A member representing an odd-numbered district shall serve a two-year term and a member representing an even-numbered district shall serve a four-year term. Thereafter, the terms are as provided in Minnesota Statutes, section 473.123, subdivision 2a.

Sec. 32. **REPEALER.**

(a) Minnesota Statutes 2020, section 473.123, subdivisions 2a and 3, are repealed.

(b) Laws 1994, chapter 628, article 1, section 8, is repealed.

Sec. 33. **EFFECTIVE DATE; APPLICATION.**

This act is effective for the state primary in 2022 and thereafter. This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

**473.123 METROPOLITAN COUNCIL.**

Subd. 2a. **Terms.** Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. Each council member, other than the chair, must reside in the council district represented. Each council district must be represented by one member of the council. The terms of members end with the term of the governor, except that all terms expire on the effective date of the next apportionment. A member serves at the pleasure of the governor. A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

(h) Any vacancy in the office of a council member shall immediately be filled for the unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph (c) if the governor has made appointments in full compliance with the requirements of this subdivision within the preceding 12 months.

APPENDIX  
Repealed Minnesota Session Laws: 21-00775

*Laws 1994, chapter 628, article 1, section 8*

Sec. 8. SALARIES OF MEMBERS.

Until changed in law after recommendation by the compensation council as provided in Minnesota Statutes, section 15A.082, the chair of the metropolitan council shall receive a salary of \$52,500 per year, and the other members shall receive a salary of \$20,000 per year.