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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3609

03/12/2018 Authored by Nash, Freiberg, West, Davnie, Zerwas and others
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 local government; providing for alternative Web site publication;
1.3 providing for Web publication of sample ballots for the state primary and general
1.4 elections; amending Minnesota Statutes 2016, sections 204D.09, subdivision 2;
1.5 204D.16; 205.16, subdivision 2; 331A.12.

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

1.7 Section 1. Minnesota Statutes 2016, section 204D.09, subdivision 2, is amended to read:

1.8 Subd. 2. **Sample ballot.** At least 46 days before the state primary the county auditor
1.9 shall prepare a sample ballot for each precinct for public inspection and transmit an electronic
1.10 copy of these sample ballots to the secretary of state. The names of the candidates to be
1.11 voted for in the county shall be placed on the sample ballots, with the names of the candidates
1.12 for each office arranged in the base rotation as determined by section 206.61, subdivision
1.13 5. The county auditor shall post the sample ballots in a conspicuous place in the auditor's
1.14 office and shall cause ~~them~~ a notice to be published at least one week before the state primary
1.15 in at least one newspaper of general circulation in the county: directing voters to a Web site
1.16 where a precinct-specific sample ballot can be obtained. The published notice must also:
1.17 (1) contain contact information for the county auditor from whom additional ballot
1.18 information can be obtained, and (2) inform potential voters that a copy of the sample ballot
1.19 can be obtained from the county auditor if access to the Web site is unavailable.

1.20 Sec. 2. Minnesota Statutes 2016, section 204D.16, is amended to read:

1.21 **204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;**
1.22 **PUBLICATION.**

2.1 At least 46 days before the state general election, the county auditor shall post sample
 2.2 ballots for each precinct in the auditor's office for public inspection and transmit an electronic
 2.3 copy of these sample ballots to the secretary of state. No earlier than 15 days and no later
 2.4 than two days before the state general election the county auditor shall cause a ~~sample-state~~
 2.5 ~~general election ballot~~ notice to be published in at least one newspaper of general circulation
 2.6 in the county- directing voters to a Web site where a precinct-specific sample ballot can be
 2.7 obtained. The published notice must also: (1) contain contact information for the county
 2.8 auditor from whom additional ballot information can be obtained, and (2) inform potential
 2.9 voters that a copy of the sample ballot can be obtained from the county auditor if access to
 2.10 the Web site is unavailable.

2.11 Sec. 3. Minnesota Statutes 2016, section 205.16, subdivision 2, is amended to read:

2.12 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk
 2.13 shall, at least two weeks before the election, publish a ~~sample ballot~~ notice in the official
 2.14 newspaper of the municipality, ~~except that the~~ directing voters to a Web site where a
 2.15 precinct-specific sample ballot can be obtained. The published notice must also: (1) contain
 2.16 contact information for the municipal clerk from whom additional ballot information can
 2.17 be obtained, and (2) inform potential voters that a copy of the sample ballot can be obtained
 2.18 from the municipal clerk if access to the Web site is unavailable. The governing body of a
 2.19 fourth class city or a town not located within a metropolitan county as defined in section
 2.20 473.121 may dispense with publication.

2.21 Sec. 4. Minnesota Statutes 2016, section 331A.12, is amended to read:

2.22 **331A.12 WEB SITE ~~ADVERTISEMENT FOR TRANSPORTATION PROJECT~~**
 2.23 **BIDS PUBLICATION.**

2.24 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision and section 331A.01
 2.25 apply to this section.

2.26 (b) "Web site" means a specific, addressable location provided on a server connected to
 2.27 the Internet and hosting World Wide Web pages and other files that are generally accessible
 2.28 on the Internet all or most of the day.

2.29 Subd. 2. **Designation.** At the meeting of the governing body of a political subdivision
 2.30 at which the governing body designates its official newspaper for the year, the governing
 2.31 body may designate in the same manner publication of transportation projects, proceedings,
 2.32 official notices, and summaries on the political subdivision's Web site. Publication on the
 2.33 Web site may be used in place of or in addition to any other required form of publication.

3.1 Each year after designating publication on the Web site for transportation projects,
3.2 proceedings, official notices, and summaries, the political subdivision must publish, in a
3.3 qualified newspaper in the jurisdiction and on the Web site, notice that the political
3.4 subdivision will publish any advertisements for bids, proceedings, official notices, and
3.5 summaries on its Web site.

3.6 Subd. 3. **Form, time for publication same.** A political subdivision that publishes on
3.7 its Web site under this section must post the information in substantially the same format
3.8 and for the same period of time as required for publication in an official newspaper or other
3.9 print publication.

3.10 Subd. 4. **Record retention.** A political subdivision that publishes notice on its Web site
3.11 under this section must ensure that a permanent record of publication is maintained in a
3.12 form accessible by the public.

3.13 Subd. 5. **Print copies.** When a political subdivision publishes exclusively on its Web
3.14 site, it must also make print copies of all published documents available at the main office
3.15 of the political subdivision, any other government offices designated by the political
3.16 subdivision, all public libraries within the political subdivision, and by mail upon request.

3.17 Subd. 6. **Newspaper notice of Web site publication.** Each year after designating
3.18 alternative publication on the Web site, the political subdivision must publish notice of the
3.19 alternative means of publication in a qualified newspaper in the jurisdiction and on the Web
3.20 site.

3.21 Subd. 7. **Accessibility.** A political subdivision must not publish exclusively on its Web
3.22 site unless the Web site is accessible to individuals with disabilities in compliance with
3.23 Code of Federal Regulations, title 28, section 35.149, of the Americans with Disabilities
3.24 Act.

3.25 Subd. 8. **Affidavit required.** When a political subdivision publishes exclusively on its
3.26 Web site, the individual who posts the information must file an affidavit listing the name
3.27 of the individual who posted the information and the date and time of posting. The political
3.28 subdivision must retain affidavits prepared under this subdivision pursuant to the records
3.29 retention schedule adopted by the political subdivision under section 138.17, subdivision
3.30 7, and make the affidavits available to the public upon request.