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**CHAPTER 284—S.F.No.954**

[Coded in Part]

*An act relating to elections; rearranging the laws regulating campaign practices and penalties; providing penalties; amending Minnesota Statutes 1974, Sections 123.015; 290.09, Subdivision 2; and 290.21, Subdivision 3; repealing Minnesota Statutes 1974, Sections 210.01 to 210.21 and 211.01 to 211.41.*

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

Section 1. **[210A.01] ELECTIONS; FAIR CAMPAIGN PRACTICES ACT; DEFINITIONS.** Subdivision 1. The words used in sections 1 to 44 have the meanings prescribed to them in chapter 200; and the words defined in this section are applicable for the purpose of construing sections 1 to 44.

Subd. 2. Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

Subd. 3. "Candidate" means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 22, 23, 24, 25, 26, 27, 28, 32 and 33, "candidate" does not mean a person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered for governor, state officer, state senator or membership in the house of representatives.

Subd. 4. "Disbursements" means every act by or through which any money, property, office, or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent, and also any money, property, office, or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed, or lent.

Subd. 5. "Filing office", when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town or city in which such candidate resides.

Subd. 6. "Personal campaign committee" means any committee

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appointed by a candidate for any election.

Subd. 7. "Party committee" means any committee appointed or elected to represent any political party with a party organization in this state.

Subd. 8. Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall cooperate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of sections 1 to 44.

Subd. 9. "Committee" means any personal campaign committee, party committee, or political committee, unless the intent is clearly shown to be otherwise.

**Sec. 2. [210A.02] FALSE CLAIM OF PARTY SUPPORT.** No person or candidate shall knowingly, either by himself or by any other person, while such candidate is seeking a nomination or election, make, directly or indirectly, a false claim stating or implying that the candidate has the support or endorsement of any political party, or unit thereof, or of any organization, when in fact the candidate does not have such support or endorsement.

**Sec. 3. [210A.03] CAMPAIGN LITERATURE MUST INCLUDE NAMES.** Any person or committee who shall publish, issue, post, or circulate, or cause to be published, issued, posted, or circulated, otherwise than in a newspaper, as provided in section 5, subdivision 1; any literature, campaign material, or any publication, including but not limited to cards, pamphlets, flyers, signs, banners, leaflets, tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name of the candidate in whose behalf the same is published, issued, posted, or circulated, and the name and address of any other person or committee causing the same to be published, issued, posted, or circulated, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 4.

**Sec. 4. [210A.04] DEFAMATORY CIRCULARS; PENALTY.** Subdivision 1. Every person who writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, except by broadcasting, any circular, poster, or other written or printed matter containing false information with respect to the personal or political character or acts of any candidate, which is designed or tends to elect, injure or defeat any candidate for nomination or election to a public office, shall be guilty of a gross misdemeanor.

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Subd. 2. Subdivision 1 shall not apply to a printer or manufacturer of campaign material whose sole act is the printing or manufacturing of campaign material and delivery to the person who orders it and who does not know such printed matter is false.

**Sec. 5. [210A.05] PAID ADVERTISEMENTS IN NEWS.** Subdivision 1. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person or the names of the officer and the committee authorizing the publication.

Subd. 2. To the extent that any person sells advertising space used on behalf of any candidate, the charges made shall not exceed the charges made for any other comparable purpose or use according to the seller's rate schedule.

**Sec. 6. [210A.06] COMPENSATION PROHIBITED, EXCEPT FOR PAID ADVERTISEMENT.** No owner, publisher, editor, reporter, agent, or employee of any newspaper or periodical shall directly or indirectly solicit, receive, or accept any payment, promise, or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent, or employee directly or indirectly for influencing or attempting to influence through any printed matter in such newspaper or periodical any voting at any election or primary through any means except through the matter inserted in such newspaper or periodical as "PAID ADVERTISEMENT," and so designated as provided by sections 1 to 44.

**Sec. 7. [210A.07] UNDUE INFLUENCE ON VOTERS PROHIBITED.** No judge, officer, or any other person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel or attempt to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

**Sec. 8. [210A.08] SOLICITATION OF CONTRIBUTIONS PRO-**

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**HIBITED.** No person shall demand, solicit, ask, or invite any payment or contribution to any religious, charitable, or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical, or publication, nor shall such demand or solicitation be made upon any committee. This shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable, or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services.

**Sec. 9. [210A.09] SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM.** No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

**Sec. 10. [210A.10] SOLICITING NEAR POLLING PLACES PROHIBITED.** It shall be unlawful for any person within any polling place or within 100 feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit, or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates of any political party or organization, or any measure submitted to the people; and, upon conviction thereof, he shall be punished by a fine of not less than \$5 nor more than \$100 for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid or by imprisonment in the county jail for not less than five nor more than 30 days or by both such fine and imprisonment.

**Sec. 11. [210A.11] ELECTION DAY, CERTAIN CAMPAIGNING PROHIBITED.** Subdivision 1. Any person who shall at any place on the day of any primary or election broadcast by television or radio any material intended or which tends to influence the voting at any election or circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever shall be guilty of a misdemeanor. Nothing herein contained shall be construed as modifying or repealing the provisions of section 7.

Subd. 2. No person shall buy, sell, give, or provide any political badges, buttons, or other insignia to be worn at or about the polls on the day of any primary or election and no such political badge, button, or other insignia shall be worn at or about the polls on any primary or election day.

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Sec. 12. [210A.12] NOT TO PAY FOR TIME LOST AT POLLS. Subdivision 1. PAYMENT FOR LOST TIME PROHIBITED. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering.

Subd. 2. PAYMENT FOR PERSONAL SERVICE PROHIBITED, EXCEPTION. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots.

Sec. 13. [210A.13] TRANSPORTATION OF VOTERS TO POLLS; PENALTY. Subdivision 1. It shall be unlawful for any person transporting any voter to or from the polls to ask, solicit, or in any manner try to induce or persuade any voter on primary or election day to vote or refrain from voting for any candidate or the candidates of any political party or organization or any measure submitted to the people.

Subd. 2. It shall be unlawful for any person transporting any voter to or from the polls to display any campaign cards, candidates' cards, placards or campaign literature of any kind.

Subd. 3. It shall be unlawful for any candidate to transport any voter other than a member of his household to or from the polls on primary or election day.

Subd. 4. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 14. [210A.14] MAY NOT INFLUENCE EMPLOYEES. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matters containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or not elected or any measure referred to a vote of the people shall be adopted or not adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinion or action of his workmen or employees.

Sec. 15. [210A.15] MAY NOT PROMISE APPOINTMENTS. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor,

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trust, or emolument. Nothing herein contained shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination.

Sec. 16. **[210A.16] LEGAL EXPENDITURES.** The expenditure of money or other thing of value by any candidate, personal campaign committee, party committee, or political committee for political purposes other than those provided in this section is prohibited. The following are permitted expenditures:

(a) Salaries, wages, and fees;

(b) Communications, mailing, transportation, and travel;

(c) Campaign advertising;

(d) Printing;

(e) Office and other space and necessary equipment, furnishings, and supplies incidental thereto;

(f) Other expenses, not included in the above, which are reasonably related to the conduct of election campaigns.

Sec. 17. **[210A.17] BRIBERY; PENALTY.** Every person who willfully, directly or indirectly, pays, gives, or lends any money or other thing of value, or who offers, promises, or endeavors to procure any money, place, employment, or other valuable consideration, to or for any voter, or to or for any other person, in order to induce any voter to refrain from voting, or to vote in any particular way, at any election, shall be guilty of a felony.

Sec. 18. **[210A.18] ADVANCING MONEY UNLAWFULLY; PENALTY.** Every person who directly or indirectly advances, pays, contributes, furnishes, or pledges any valuable thing or consideration, or cause the same to be done, to or for the use of any other person, with the intent that such advancement, payment, contribution, pledge, or any part thereof, shall be expended or used in bribery at any election, or in fulfillment of any promised bribe, shall be guilty of a felony.

Sec. 19. **[210A.19] UNLAWFUL EXPENDITURES. Subdivision 1. TREATING BY CANDIDATES PROHIBITED; PENALTY.** Every person or candidate for nomination or election to a public office, who, either by himself or by any other person, directly or indirectly, gives, provides, or pays wholly or in part, or promises to pay wholly or in part, the expenses of giving or providing any meat, drink, or other entertain-

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ment or provisions, clothing, liquors, cigars or tobacco to or for any person for the purpose of or with the intent to influence that person or any other person to give or refrain from giving his vote at the primary or election to or for any candidate or measure before the people shall be guilty of a misdemeanor.

**Subd. 2. ACCEPTANCE BY ELECTORS PROHIBITED.** No elector shall accept any such meat, drink, entertainment, provision, clothing, liquor, cigars or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

**Sec. 20. [210A.20] MAKING OF WAGERS PROHIBITED.** Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending primary or election, shall be guilty of violation of sections 1 to 44. Any person who, for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of sections 1 to 44 and, in addition thereto, any such act shall be a ground of challenge against his right to vote.

**Sec. 21. [210A.21] CERTAIN SOLICITATIONS PROHIBITED.** No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by sections 1 to 44.

**Sec. 22. [210A.22] EXPENDITURES, LIMIT.** No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by any candidate or his personal campaign committee for any office under the laws of this state, or under the ordinance of any municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified:

(a) For any county, city, or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one third of the salary for the office in the year that the election is held, with the minimum sum allowed, \$100. If such person, when nominated and elected, would not receive a salary, a sum not exceeding one third of the compensation which his predecessor received during the first year of such predecessor's incumbency, with the minimum sum allowed, \$100. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically pro-

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vided for, \$100, and no more.

(b) The disbursements authorized in this section by a candidate for elective office shall be deductible as expenses for production of income or a business deduction under chapter 290.

**Sec. 23. [210A.23] MAY AUTHORIZE DISBURSEMENTS BY CAMPAIGN COMMITTEE.** Any candidate may delegate to his personal campaign committee or to any party committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf by the provisions of sections 1 to 44, but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in sections 1 to 44 specified, except as provided herein.

**Sec. 24. [210A.24] BILLS, WHEN RENDERED AND PAID.** Every person who shall have any bill, charge, or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge, or claim within ten days after the day of the primary or election in connection with which such bill, charge, or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge, or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.

**Sec. 25. [210A.25] DISBURSEMENTS BY CANDIDATE.** No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act, through his party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in sections 1 to 44.

**Sec. 26. [210A.26] MUST FILE VERIFIED STATEMENT OF EXPENDITURES. Subdivision 1. STATEMENTS OF CANDIDATES, PERSONAL CAMPAIGN COMMITTEES AND PARTY COMMITTEES.** Every candidate, and the secretary of every personal campaign and party committee, shall, eight days before the primary, on or before the tenth day following the primary, eight days before the general election, and on or before the tenth day following the general election, file a financial statement verified by the candidate or the secretary of the committee, as the case may be, which shall show in itemized detail all transactions, all disbursements, and all obligations to make disbursements, for political purposes. Each statement, after the first, shall contain a summary of all preceding statements.

**Subd. 2. FILING STATEMENTS, INFORMATION REQUIRED.** The statement of any candidate and the statement of his personal cam-

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paign committee shall be filed with the filing officer of such candidate. The statement of every state committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a legislative district shall be filed with the filing officer of the candidate for senator or representative in such legislative district. The statement of every other party committee shall be filed in the office of the county auditor of the county within which, or for a subdivision within which, such disbursements were made. Each statement shall give in full detail:

(a) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which he or it uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received and the date when each was received, together with the total amount received from all sources in any amount or manner;

(b) Every promise or pledge of money, property, or other thing of value, received by such candidate or committee during such period, the proceeds of which he uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner;

(c) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner; and

(d) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner.

Subd. 3. STATEMENTS OF POLITICAL COMMITTEES. Statements shall also be made by any political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed within 30 days after any primary, municipal, or general election:

(a) When the committee is organized to support a candidate for a federal office with the filing officer of such candidate;

(b) When the committee is organized to support a candidate for a  
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judicial district or county office with the auditor of the county in which such committee has its headquarters;

(c) When the committee is organized to support or oppose any constitutional amendment with the secretary of state;

(d) When the committee is organized to support a candidate for municipal office in municipalities having more than 20,000 population or to support or oppose propositions in elections in such municipalities with the filing officer of the municipality.

**Subd. 4. ELECTIONS IN CERTAIN MUNICIPALITIES, STATEMENTS TO BE FILED.** Every candidate and the secretary of every personal campaign committee in every primary municipal election, special municipal election, or regular municipal election in all municipalities having more than 20,000 inhabitants shall file a financial statement as follows:

(a) Seven days before the primary;

(b) Seven days after the primary;

(c) Seven days before the regular or special elections; and

(d) Seven days after the regular or special election.

The statement shall be verified upon the oath of such candidate or such personal campaign committee, as the case may be, and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements theretofore filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this subdivision shall disclose the same information required in subdivision 2 of this section. Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by such candidate, and to all other persons required by the charter of such municipalities or any election law applicable to such municipality, in which any municipal primary election, special municipal election, or regular municipal election is being held or is to be held under the provisions of any such municipal charter, or applicable law, and to all other persons required by law to file such statements who may apply therefor. The provisions hereof relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary election, special municipal

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election, or regular municipal election held or to be held under any such municipal charter or applicable law. The verified statements so required shall be filed with the proper filing officer of any such municipality.

Subd. 5. CONGRESSIONAL CANDIDATES. Candidates for election to the United States house of representatives and senate and any political committees raising funds and making expenditures exclusively on behalf of any one of those candidates may file copies of their federally required financial disclosures in lieu of those required by sections 1 to 44.

Sec. 27. [210A.27] STATEMENT OF EXPENSE, BLANKS; DIGEST OF LAWS. Subdivision 1. Blanks for all statements required by sections 1 to 44 shall be prepared by the secretary of state and copies thereof shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

Subd. 2. The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of sections 1 to 44, complete with annotations thereof.

The secretary of state shall distribute such digest in the same manner as the blanks for statements authorized by subdivision 1.

Sec. 28. [210A.28] NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED. The name of a candidate chosen at a primary election, or otherwise, shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of the candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by sections 1 to 44.

Sec. 29. [210A.29] FILING STATEMENTS BY TREASURER; PENALTY. Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law, who fails to file the statement and account respecting the same required by sections 1 to 44 within the time prescribed, shall be guilty of a misdemeanor.

Sec. 30. [210A.30] FAILURE OF TREASURER TO KEEP ACCOUNTS; PENALTY. Every such treasurer or other person who receives any money to be applied to the purposes aforesaid, who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed by him or by any other person, or the purpose for which the same was received or disbursed, or to conceal the existence of any unpaid debt or obligation, or

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the amount thereof, or to whom the same is due, in detail, or who shall mutilate, deface, or destroy such book with like intent, shall be guilty of a misdemeanor.

Sec. 31. [210A.31] **FAILURE BY CANDIDATE TO FILE STATEMENT; PENALTY.** Every candidate for nomination or election to any elective office except governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator and state representative, who intentionally fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised by him, or by any other person, committee, or organization for him, so far as he can learn, in the manner, within the time, and with the details required by sections 1 to 44, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, with knowledge that such statement has not been filed, and every officer who issues a commission or certificate of election to any person with knowledge that such statement has not been so filed, is guilty of a gross misdemeanor.

Sec. 32. [210A.32] **FILING OFFICERS SHALL NOTIFY CANDIDATE OR COMMITTEE.** The officer with whom the expense account of any candidate for public office or committee is required to be filed by the provisions of sections 1 to 44, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and the county attorney shall thereupon notify such candidate or the secretary of the committee of such delinquency and if the provisions of sections 1 to 44 shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement.

Sec. 33. [210A.33] **PERSONAL CAMPAIGN COMMITTEES.** Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions

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and proceedings brought under sections 1 to 44, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disprove the same.

**Sec. 34. [210A.34] CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL CAMPAIGN; PENALTIES.** Subdivision 1. It shall be unlawful for any corporation doing business in this state to pay or contribute or offer, consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office.

Subd. 2. Any officer, stockholder, agent, employee or attorney or other representatives of any corporation acting for or in behalf of such corporation who shall violate the provisions of sections 1 to 44 shall be fined not exceeding \$5,000 or be imprisoned in the state prison not exceeding five years, or both fined and imprisoned in the discretion of the court.

Subd. 3. Any corporation convicted of violating any of the provisions of sections 1 to 44 shall be subject to a penalty in the amount not exceeding \$10,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in addition to that penalty, it may be dissolved; and, if a foreign or nonresident corporation, in addition to that penalty, its right to do business in this state may be declared forfeited.

Subd. 4. It shall not be a violation of this section for a political party, as defined in section 200.02, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as such political party's headquarters.

**Sec. 35. [210A.35] AIDING VIOLATION; PENALTY.** Any person or persons who shall aid, abet, or advise a violation of the provisions of section 34 shall be guilty of a gross misdemeanor.

**Sec. 36. [210A.36] PROSECUTIONS; WHERE MADE.** Violations of the provisions of section 34 may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

**Sec. 37. [210A.37] COUNTY ATTORNEY TO INQUIRE INTO VIOLATIONS; PENALTIES.** If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of sections 1 to 44, it shall be his duty forthwith to dili-

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gently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by the provisions of sections 1 to 44, he shall be guilty of a misdemeanor; and, on conviction thereof, shall forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of sections 1 to 44, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under the provisions of sections 1 to 44, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prosecution, action, or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of the associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

**Sec. 38. [210A.38] VIOLATIONS BY UNAUTHORIZED PERSON NOT TO FORFEIT NOMINATION.** When upon the trial of any action or proceedings under the provisions of sections 1 to 44, it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained to be void, nor shall the candidate be removed from nor deprived of his nomination, position, or office.

**Sec. 39. [210A.39] DISQUALIFIED CANDIDATE NOT TO HOLD POSITION.** A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in sections 1 to 44, shall not, during the period fixed by law as the term of such office, be appointed or elected to fill any vacancy which may occur in such office. A candidate or other person who is convicted of any offense mentioned in sections 1 to 44, shall not, during the period fixed by law as the term of the office with respect to which the election was held and said offense was committed, be appointed or elected to fill any vacancy in such office. Any appointment or election to an

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office made in violation of or contrary to the provisions of this section shall be void.

**Sec. 40. [210A.40] JUDGMENTS; TO WHOM TRANSMITTED.** If any person shall in a criminal action be judged to have been guilty of any violation of the provisions of sections 1 to 44 while a candidate for any office under the constitution or laws of the state, or under any ordinance of any municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a criminal action, be adjudicated guilty of any violation of the provisions of sections 1 to 44, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in Congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

**Sec. 41. [210A.41] MAY EMPLOY COUNSEL.** Nothing contained in sections 1 to 44 shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

**Sec. 42. [210A.42] PENALTIES FOR VIOLATION.** Any person violating any provisions of sections 1 to 44, except as otherwise provided herein, shall, upon conviction thereof, be guilty of a gross misdemeanor; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof.

**Sec. 43. [210A.43] DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS. Subdivision 1. PROHIBITION.** It is unlawful for any person, either directly or indirectly, to deny access to any apartment house, dormitory, nursing home, mobile home park, any areas in which two or more single family dwellings are located on private roadways or other multiple unit facility used as a residence, to any candidate who has filed for election to public office or workers accompanied by the candidate, provided the candidate and workers seeking admittance to such facility do so solely for the purpose of campaigning.

Subd. 2. EXCEPTIONS. The provisions of subdivision 1 shall not be construed to prohibit:

(a) Denial of admittance into a particular apartment, room, mobile home or personal residential unit by a person or persons residing in that particular apartment, room, mobile home or unit.

(b) Requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(c) In the case of nursing homes, denial of permission to visit certain persons where valid reasons of health exist therefor;

(d) Limiting visits by candidates or workers accompanied by the candidate to reasonable number of persons, reasonable hours or requiring prior appointments;

(e) Denial of admittance to or expulsion from a multiple unit dwelling for good cause.

Subd. 3. INJUNCTION. Any candidate who is denied access personally or with workers he accompanies to any multiple unit dwelling in violation of subdivision 1 shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against all persons involved in any violation of subdivision 1, to prevent and restrain violations thereof without alleging or proving actual damages or that an adequate remedy at law does not exist, so that injunctive relief can be obtained promptly without awaiting injury or actual damage. Such injunctive relief shall not abridge or be in lieu of any other remedy or penalty provided by law, provided the court shall specifically exclude from the injunction any resident of the multiple unit facilities specified in subdivision 1 who shall have indicated orally or in writing to the candidate, his representative or the court that he does not want to be contacted by said candidate.

Subd. 4. VIOLATIONS NOT A CRIME. A violation of the provisions of this section is not a crime.

Sec. 44. [210A.44] CITATION. Sections 1 to 44 shall be known as the "Fair Campaign Practices Act".

Sec. 45. [204A.341] MISMARKING BALLOTS; DISCLOSING HOW MARKED; PENALTY. Every election official or other person who marks the ballot of any voter, except in the cases and in the manner provided by law, and as directed by the voter, or who informs any person other than such voter how any such ballot was marked, shall be guilty of a gross misdemeanor.

Sec. 46. Minnesota Statutes 1974, Section 123.015, is amended to read:

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**123.015 ELECTIONS; CORRUPT PRACTICES.** The provisions of ~~sections 211.03 and 211.08~~ sections 3 and 5, subdivision 1, of this act and all acts amendatory thereof shall apply to any elections of a common school district, an independent school district, a special school district, or a school election held in unorganized territory.

Sec. 47. Minnesota Statutes 1974, Section 290.09, Subdivision 2, is amended to read:

**Subd. 2. TRADE OR BUSINESS EXPENSES; EXPENSES FOR PRODUCTION OF INCOME.** (a) In General. There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. For purposes of the preceding sentence, the place of residence of a member of congress within the state shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000.

(b) Expenses for Production of Income. In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year.

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

(c) Campaign expenditures in an amount not to exceed the limits set out in ~~Minnesota Statutes, Section 211.06~~ section 22 of this act, not subsequently reimbursed, which have been personally paid by a candidate for public office if the candidate has complied with the expenditure limitations set out in ~~Minnesota Statutes, Section 211.06~~ section 22 of this act :

(No deduction shall be allowed under this clause for any contribution or gift which would be allowable as a credit under section 290.21

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were it not for the percentage limitations set forth in such section);

(d) All expense money paid by the legislature to legislators.

Sec. 48. Minnesota Statutes 1974, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in this section. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income,

(e) to a political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section ~~211.01~~ 1 of this act, or a political cause when sponsored by any party or association or committee, as defined in section ~~211.01~~ 1 of this act, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

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(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income,

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i);

(g) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts,

(h) in the case of a corporation reporting its taxable income on the accrual basis, if — (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe.

Sec. 49. Minnesota Statutes 1974, Sections 210.01; 210.02; 210.03; 210.04; 210.05; 210.06; 210.07; 210.08; 210.09; 210.10; 210.11; 210.12; 210.13; 210.14; 210.15; 210.16; 210.17; 210.18; 210.19; 210.20; 210.21; 211.01; 211.02; 211.03; 211.035; 211.05; 211.06; 211.07; 211.08; 211.081; 211.09; 211.10; 211.11; 211.12; 211.13; 211.14; 211.141; 211.15; 211.16; 211.17; 211.19; 211.20; 211.21; 211.22; 211.23; 211.24; 211.25; 211.27; 211.28; 211.30; 211.31; 211.32; 211.33; 211.34; 211.36; 211.37; 211.38; 211.39; 211.40; and 211.41 are repealed.

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Sec. 50. **EFFECTIVE DATE.** This act is effective on the date following its final enactment.

Approved June 2, 1975.

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**CHAPTER 285—S.F.No.977**

[Not Coded]

*An act relating to Hennepin county; providing for the support and maintenance of the county law library; amending Laws 1933, Chapter 291, Section 12, as amended; and Laws 1933, Chapter 291, Section 16, as amended.*

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

Section 1. Laws 1933, Chapter 291, Section 12, as amended by Laws 1974, Chapter 349, Section 1 is amended to read:

**Sec. 12. HENNEPIN COUNTY; LAW LIBRARY; COUNTY BOARD MAY PROVIDE FOR MAINTENANCE IN CERTAIN CASES.** For the support of said library there shall be allotted the fees prescribed in Section 4 herein and such other amounts as are now provided by law; provided, however, that the board of county commissioners of Hennepin county may, in their discretion, provide for **additional** support and maintenance of such county law library out of county funds ; ~~not to exceed \$150,000. This additional appropriation shall be made only once .~~

Sec. 2. Laws 1933, Chapter 291, Section 16, as amended by Laws 1949, Chapter 568, Section 3 is amended to read:

**Sec. 16. FEES COLLECTED BY CLERK OF DISTRICT COURT, CLERK OF THE PROBATE COURT, AND CLERK OF THE MUNICIPAL COURT DEPOSITED WITH COUNTY FINANCE DIRECTOR.** The clerk of the district court, the clerk of the probate court and the clerks of any municipal court in such counties shall thereafter pay all the library fees collected by him or them, pursuant to section 4, as amended, to the ~~treasurer of the county; who is hereby authorized to disburse the same and any other moneys belonging to the library; upon the order of the trustees; to pay the necessary expenses of the library-~~ county finance director .

Sec. 3. This act is effective upon its approval by the governing body of Hennepin county and compliance with Minnesota Statutes, Section 645.021.

Approved June 2, 1975.

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