

Subd. 2. WIRE COMMUNICATION; ELECTRONIC COMMUNICATION; ELECTRONIC COMMUNICATION SERVICE. The terms "wire communication," "electronic communication," and "electronic communication service" have the meanings set forth for the terms in section 626A.01.

Subd. 3. PEN REGISTER. "Pen register" means a device that records or decodes electronic or other impulses that identify the number dialed or otherwise transmitted on the telephone line to which the device is attached, but the term does not include a device used by a provider or customer of a wire or electronic communications service for billing, or recording as an incident to billing, for communications services provided by the provider or a device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

Subd. 4. TRAP AND TRACE DEVICE. "Trap and trace device" means a device which captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

Sec. 61. [626A.40] SUBJECT TO OTHER LAWS.

Nothing in sections 45 to 60 must be considered to authorize conduct constituting a violation of any law of the United States.

Sec. 62. REPEALER.

Minnesota Statutes 1986, sections 626A.01, 626A.02, 626A.03, 626A.04, 626A.05, as amended by Laws 1987, chapters 217, section 3; 329, section 17; and 384, article 2, section 112, 626A.06, 626A.07, 626A.08, 626A.09, 626A.10, 626A.11, 626A.12, 626A.13, 626A.14, 626A.15, 626A.16, 626A.17, 626A.18, 626A.19, 626A.20, 626A.21, 626A.22, 626A.23, and sections 1 to 61 are repealed.

Sec. 63. EFFECTIVE DATE.

Sections 1 to 61 are effective August 1, 1988, and apply to crimes committed on or after that date. Section 62 is effective August 1, 1989.

Approved April 20, 1988

CHAPTER 578—H.F.No. 236

An act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 201.275; 204C.04; and 383A.297; Minnesota Statutes 1987 Supplement, sections 200.01; and 383B.041; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A, as amended.

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

ARTICLE 1

Section 1. Minnesota Statutes 1987 Supplement, section 200.01, is amended to read:

200.01 CITATION, MINNESOTA ELECTION LAW.

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, and ~~210A~~ articles 2 and 3 shall be known as the Minnesota election law.

Sec. 2. Minnesota Statutes 1986, section 201.275, is amended to read:

201.275 INVESTIGATIONS; PROSECUTIONS.

A county attorney receiving a report of a possible violation of this chapter shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that the county attorney can procure, to the grand jury of the county. A county attorney who fails or refuses to faithfully perform any duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit the county attorney's office. A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

Sec. 3. Minnesota Statutes 1986, section 204C.04, is amended to read:

204C.04 EMPLOYEES; TIME OFF TO VOTE.

Every employee who is eligible to vote at a state general election or at an election to fill a vacancy in the office of United States senator or United States representative has the right to be absent from work for the purpose of voting during the morning of election day, without penalty or deduction from salary or wages because of the absence. An employer who refuses, abridges or interferes or other person may not directly or indirectly refuse, abridge, or interfere with this right shall be subject to the penalty provisions of section 210A.141 or any other election right of an employee. A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1986, section 383A.297, is amended to read:

383A.297 POLITICAL ACTIVITY.

No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body, or committee, and no employee in the classified service may be discharged, suspended, demoted, or otherwise disciplined or prejudiced for refusal to do so. All employees in the classified and unclassified service shall be subject to the prohibition on political activities set forth in article 3, section ~~210A.081~~ 9.

Sec. 5. Minnesota Statutes 1987 Supplement, section 383B.041, is amended to read:

383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.

Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin county and for city elections in home rule charter cities and statutory cities located wholly within Hennepin county, having a population of 75,000 or more, and for school board elections in the special school district No. 1, Minneapolis, and to disclosure of economic interests by candidates and elected public officials of those jurisdictions. The provisions of article 2, sections ~~210A.22 to 210A.33~~ 2 to 7 do not apply to the financing of campaigns for elections subject to the provisions of sections 383B.041 to 383B.058.

ARTICLE 2

Section 1. [211A.01] DEFINITIONS.

Subdivision 1. APPLICATION. The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. BALLOT QUESTION. "Ballot question" means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.

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. For purposes of sections 1 to 5 and 7, "candidate" also includes a candidate for the United States Senate or House of Representatives.

Subd. 4. COMMITTEE. "Committee" means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

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Subd. 5. CONTRIBUTION. “Contribution” means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. “Contribution” does not include a service provided without compensation by an individual.

Subd. 6. DISBURSEMENT. “Disbursement” means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent.

Subd. 7. FILING OFFICER. “Filing officer” means the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

Subd. 8. POLITICAL PURPOSES. An act is done for “political purposes” if it is of a nature, done with the intent, or done in a way to influence or tend to influence, directly or indirectly, voting at a primary or an election or if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.

Sec. 2. [211A.02] FINANCIAL REPORT.

Subdivision 1. WHEN AND WHERE FILED BY COMMITTEES. A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make reports until a final report is filed. The committee or candidate must also file a report by January 31 of each year following the year when the initial report was filed. In addition, in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

- (1) ten days before the primary;
- (2) ten days before the general election;
- (3) seven days before a special primary;
- (4) seven days before a special election; and
- (5) 30 days after a special election.

Subd. 2. INFORMATION REQUIRED. The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the name and address of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;

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(4) the purpose for each expenditure; and

(5) the name of any individual or committee that during the year has made one or more contributions that in the aggregate are equal to or greater than \$500.

Subd. 3. MUNICIPAL CHARTER PROVISIONS AND SPECIAL LAWS SAVED. The provisions of this section requiring the filing of reports are in addition to the provisions of any municipal charter requiring the filing of reports in connection with a municipal primary, general election, special primary, or special election, but they do not replace special laws providing filing requirements for a municipality.

Subd. 4. CONGRESSIONAL CANDIDATES. Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section.

Sec. 3. [211A.03] FINAL REPORT.

A candidate or committee may file a final report when all debts have been settled and all assets in excess of \$100 in the aggregate are disposed of. The final report may be filed at any time and must include the kinds of information contained in the financial statements required by section 2 for the period from the last previous report to the date of the final report.

Sec. 4. [211A.04] SECRETARY OF STATE'S DUTIES.

Subdivision 1. REPORT FORMS. The secretary of state shall prepare blanks for reports required by section 2. Copies must be furnished through the county auditor or otherwise, as the secretary of state finds expedient, to a committee upon request or to a candidate upon filing for office.

Subd. 2. DIGEST OF LAWS. The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable annotated digest of this chapter. The secretary of state shall distribute the digest in the same manner as the report forms required by subdivision 1.

Sec. 5. [211A.05] FAILURE TO FILE STATEMENT.

Subdivision 1. PENALTY. A candidate who intentionally fails to file a report required by section 2 is guilty of a misdemeanor. A member of a committee that fails to file a report required by section 2 is guilty of a misdemeanor. An officer who issues a certificate of election to a candidate with knowledge that the candidate's financial statement has not been filed is guilty of a misdemeanor.

Subd. 2. NOTICE OF FAILURE TO FILE. If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the county attorney of the county where the candidate resides or where

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the committee headquarters is located. The county attorney shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the county attorney shall proceed under section 8.

Sec. 6. [211A.06] FAILURE TO KEEP ACCOUNT; PENALTY.

A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:

(1) fails to keep a correct account as required by law;

(2) mutilates, defaces, or destroys an account record; or

(3) in the case of a committee, refuses upon request to provide financial information to a candidate; and

(4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.

Sec. 7. [211A.07] BILLS WHEN RENDERED AND PAID.

A person who has a bill, charge, or claim against a candidate's committee shall render it in writing to the committee within 60 days after the material or service is provided. A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.

Sec. 8. [211A.08] COUNTY ATTORNEY INQUIRY.

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause to institute a prosecution, the county attorney shall proceed by complaint or present the charge with whatever evidence has been found to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under penalty of forfeiture of office, shall prosecute all violations of this chapter except for a violation of this section; if, however, a complainant desires to withdraw a complaint under this chapter, the county attorney is not required to proceed with prosecution.

Subd. 2. ASSOCIATE COUNSEL. Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding may not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.

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Sec. 9. [211A.09] FORFEITURE OF NOMINATION OR OFFICE.

Subdivision 1. FORFEITURE REQUIRED. Except as provided in subdivision 2, if a candidate is convicted of violating a provision of this chapter or if an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED. In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith, and that it would be unjust for the candidate to forfeit the nomination or election.

Neither of these findings is a defense to a conviction under this chapter.

Sec. 10. [211A.10] DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS.

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

Sec. 11. [211A.11] PENALTIES FOR VIOLATIONS.

A violation of this chapter for which no other penalty is provided is a misdemeanor.

Sec. 12. REPEALER.

Minnesota Statutes 1986, sections 210A.01, as amended by Laws 1987,

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chapter 266, article 1, section 66; 210A.02; 210A.03; 210A.04; 210A.05; 210A.06; 210A.07; 210A.08; 210A.081; 210A.09; 210A.091; 210A.10; 210A.11; 210A.12; 210A.13; 210A.14; 210A.141; 210A.15; 210A.16; 210A.17; 210A.18; 210A.19; 210A.20; 210A.21; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27; 210A.28; 210A.29; 210A.30; 210A.31; 210A.32; 210A.33; 210A.34; 210A.35; 210A.36; 210A.37; 210A.38; 210A.39; 210A.40; 210A.41; 210A.42; 210A.43; 210A.44; and Minnesota Statutes 1987 Supplement, section 210A.263, are repealed.

Sec. 13. **EFFECTIVE DATE.**

This article applies to school district elections held after January 1, 1989.

ARTICLE 3

Section 1. **[211B.01] DEFINITIONS.**

Subdivision 1. APPLICATION. The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. CAMPAIGN MATERIAL. "Campaign material" means any literature, publication, or material tending to influence voting at a primary or other election, except for news items or editorial comments by the news media.

Subd. 3. CANDIDATE. "Candidate" means an individual who seeks nomination or election to a federal, statewide, 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.

Subd. 4. COMMITTEE. "Committee" means two or more persons acting together or a corporation or association acting to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. DISBURSEMENT. "Disbursement" means an act through which money, property, office, or position or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent, and any money, property, office, or position or other thing of value so promised or transferred.

Subd. 6. POLITICAL PURPOSES. An act is done for "political purposes" when the act is intended or done to influence, directly or indirectly, voting at a primary or other election. This does not include news items or editorial comments published or broadcast by the news media.

Sec. 2. **[211B.02] FALSE CLAIM OF SUPPORT.**

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the

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support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Sec. 3. [211B.03] USE OF THE TERM REELECT.

A person or candidate may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

Sec. 4. [211B.04] CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 5, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is:

"Prepared and paid for by the committee,

.....(address)."

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the committee."

(d) Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer either that it is "in opposition to(insert name of candidate or ballot question.....)"; or that "this publication is not circulated on behalf of any candidate or ballot question".

(e) This section does not apply to objects stating only the candidate's name and the office sought, fundraising tickets, or personal letters that are clearly being sent by the candidate.

(f) This section does not modify or repeal section 6.

Sec. 5. [211B.05] PAID ADVERTISEMENTS IN NEWS.

Subdivision 1. ACCEPTANCE OF PAID ADVERTISEMENTS. A newspaper, periodical, or magazine may not intentionally accept for insertion in the newspaper, magazine, or periodical a political advertisement unless the words "PAID ADVERTISEMENT," and the disclaimer required under section 4 are included at the beginning or end of the advertisement. A radio station, television station, or cable system may not accept for broadcast a political advertisement unless the words "PAID ADVERTISEMENT" are included at the beginning or end of the advertisement.

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Subd. 2. ADVERTISING RATES. Rates charged for advertising to support or oppose a candidate or ballot question must be the same as the charges made for any other political candidate and may be no greater than charges made for any other comparable purpose or use according to the seller's rate schedule.

Subd. 3. COMPENSATION PROHIBITED, EXCEPT FOR PAID ADVERTISEMENT. An owner, publisher, editor, reporter, agent, broadcaster, or employee of a newspaper, periodical, magazine, radio or television broadcast station, or cable system may not directly or indirectly solicit, receive, or accept a payment, promise, or compensation, nor may a person pay or promise to pay or in any manner compensate an owner, publisher, editor, reporter, agent, broadcaster, or employee directly or indirectly for influencing or attempting to influence voting at an election or primary through printed material in the newspaper or periodical, or radio, television, or cable broadcast, except as a "PAID ADVERTISEMENT" as provided in this section.

Subd. 4. UNPAID MATERIAL IDENTIFICATION. Unpaid material published in a newspaper, magazine, or other publication that is: (1) in unique typeset or otherwise differentiated from other unpaid material, (2) designed to influence or attempt to influence the voting at any election or the passage or defeat of legislation, and (3) not placed on the editorial page must be clearly identified as an editorial opinion.

Sec. 6. [211B.06] FALSE POLITICAL AND CAMPAIGN MATERIAL; PENALTY; EXCEPTIONS.

Subdivision 1. GROSS MISDEMEANOR. A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, whether or not defamatory, or with respect to the effect of a ballot question, that the person knows or has reason to believe is false and that is designed or tends to elect, injure, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question.

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, if defamatory, or with respect to the effect of a ballot question, that the person knows is false and which is designed or tends to elect, injure, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question.

Subd. 2. EXCEPTION. Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.

Sec. 7. [211B.07] UNDUE INFLUENCE ON VOTERS PROHIBITED.

A person may not directly or indirectly use or threaten force, coercion,

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violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.

Sec. 8. [211B.08] SOLICITATION OF CONTRIBUTIONS PROHIBITED.

A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:

(1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;

(2) ordinary business advertisements;

(3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or

(4) ordinary contributions at church services.

Sec. 9. [211B.09] PROHIBITED PUBLIC EMPLOYEE ACTIVITIES.

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.

Sec. 10. [211B.10] INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS.

Subdivision 1. INDUCING OR REFRAINING FROM CANDIDACY. A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.

Subd. 2. TIME OFF FOR PUBLIC OFFICE MEETINGS. A person elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with

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other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.

Sec. 11. [211B.11] ELECTION DAY PROHIBITIONS.

Subdivision 1. SOLICITING NEAR POLLING PLACES. A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day.

Subd. 2. ELECTION DAY CAMPAIGNING. A person may not broadcast, circulate, or distribute campaign material, or cause campaign material to be broadcast, circulated, or distributed on the day of a primary or election. This subdivision does not modify or repeal section 7.

Subd. 3. TRANSPORTATION OF VOTERS TO POLLING PLACE; PENALTY. A person transporting a voter to or from the polling place may not ask, solicit, or in any manner try to induce or persuade a voter on primary or election day to vote or refrain from voting for a candidate or ballot question.

Subd. 4. PENALTY. Violation of this section is a petty misdemeanor.

Sec. 12. [211B.12] LEGAL EXPENDITURES.

Use of funds collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;
- (6) charitable contributions of not more than \$100 to any charity annually; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses.

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Sec. 13. [211B.13] BRIBERY, TREATING, AND SOLICITATION.

Subdivision 1. BRIBERY, ADVANCING MONEY, AND TREATING PROHIBITED. A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages of nominal value consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. CERTAIN SOLICITATIONS PROHIBITED. A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section 15.

Sec. 14. [211B.14] DIGEST OF LAWS.

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient.

Sec. 15. [211B.15] CORPORATE POLITICAL CONTRIBUTIONS.

Subdivision 1. DEFINITION. “Corporation” for purposes of this section means a corporation organized for profit that does business in Minnesota.

Subd. 2. PROHIBITED CONTRIBUTIONS. A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers or employees, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, “contribution” includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 3. INDEPENDENT EXPENDITURES. A corporation may not make an independent expenditure or offer or agree to make an independent expenditure to promote or defeat the candidacy of an individual for nomination, elec-

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tion, or appointment to a political office. For the purpose of this subdivision, "independent expenditure" means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 4. BALLOT QUESTION. A corporation may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation may not take a deduction as provided in section 290.09 for an expenditure made under this subdivision. A corporation may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

Subd. 5. NEWS MEDIA. This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.

Subd. 6. PENALTY FOR INDIVIDUALS. An officer, stockholder, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who violates this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.

Subd. 7. PENALTY FOR CORPORATIONS. A corporation convicted of violating this section is subject to a fine not greater than \$40,000. A convicted domestic corporation may be dissolved as well as fined. If a foreign or nonresident corporation is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.

Subd. 8. PERMITTED ACTIVITY; POLITICAL PARTY. It is not a violation of this section for a political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.

Subd. 9. MEDIA PROJECTS. It is not a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 10. MEETING FACILITIES. It is not a violation of this section for a corporation to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.

Subd. 11. MESSAGES ON CORPORATE PREMISES. It is not a violation of this section for a corporation selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.

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Subd. 12. REPORTS REQUIRED. The total amount of an expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the secretary of state. The reports must be filed on forms provided by the secretary of state on the dates required for committees under article 2, section 2. Failure to file is a misdemeanor.

Subd. 13. AIDING VIOLATION; PENALTY. An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.

Subd. 14. PROSECUTIONS; VENUE. Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Sec. 16. [211B.16] COUNTY ATTORNEY INQUIRY; ASSOCIATE COUNSEL.

Subdivision 1. COUNTY ATTORNEY INQUIRY. A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.

Subd. 2. ASSOCIATE COUNSEL. Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding must not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.

Sec. 17. [211B.17] FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED.

Subdivision 1. FORFEITURE OF NOMINATION OR OFFICE. Except as provided in subdivision 2, if a candidate is found guilty of violating this chapter or an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

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Subd. 2. CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED. In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith;

and the court also finds that it would be unjust for a candidate to forfeit the nomination or election.

None of these findings is a defense to a conviction under this chapter.

Sec. 18. [211B.18] DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS.

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy in that office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy that may occur in the office. An appointment to an office made contrary to the provisions of this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

Sec. 19. [211B.19] PENALTIES FOR VIOLATION.

A violation of this chapter for which no other penalty is provided is a misdemeanor.

Sec. 20. [211B.20] DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.

Subdivision 1. PROHIBITION. It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has filed for election to public office or to campaign workers accompanied by the candidate, if the candidate and workers seeking admittance to the facility do so solely for the purpose of campaigning. A violation of this section is a petty misdemeanor.

Subd. 2. EXCEPTIONS. Subdivision 1 does not prohibit:

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(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

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

(3) in the case of a nursing home, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or workers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

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

Sec. 21. **[211B.21] APPLICABILITY.**

Nothing in section 17 or 18 may be construed to limit the ability of each house of the legislature to act as judge of the election returns and eligibility of its own members.

Sec. 22. **EFFECTIVE DATE.**

This act is effective July 1, 1988.

Approved April 21, 1988

CHAPTER 579—H.F.No. 421

An act relating to health; authorizing the commissioner of health to issue subpoenas in certain instances; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Section 1. **[144.054] SUBPOENA POWER.**

The commissioner may, as part of an investigation to determine whether a serious health threat exists or to locate persons who may have been exposed to an agent which can seriously affect their health, issue subpoenas to require the attendance and testimony of witnesses and production of books, records, correspondence, and other information relevant to any matter involved in the investigation. The commissioner or the commissioner's designee may administer oaths to witnesses or take their affirmation. The subpoenas may be served upon any person named therein anywhere in the state by any person authorized to serve subpoenas or other processes in civil actions of the district courts. If a person to whom a subpoena is issued does not comply with the subpoena, the commis-

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