

Subd. 3. GRANTS FOR DEMONSTRATION PROGRAM. The assistant commissioner of the office of drug policy may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The assistant commissioner may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Subd. 4. ASSISTANT COMMISSIONER; ADMINISTRATION OF GRANTS. The assistant commissioner shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program administered by the state planning agency under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the assistant commissioner shall apply in awarding grants. The assistant commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the assistant commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the assistant commissioner. The assistant commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 2. MONITORING AND REPORT OF CHEMICAL ABUSE PREVENTION TEAMS.

The assistant commissioner of the office of drug policy shall monitor the activities of teams funded under the demonstration program for multidisciplinary chemical abuse prevention teams under section 1, and report to the legislature on or before January 1, 1991, on the teams' operation and progress.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:40 p.m.

CHAPTER 291—H.F.No. 630

An act relating to elections; changing or clarifying provisions governing absentee voting, mail elections, election day activities, ballots, canvassing, municipal elections, school district elections, voting systems, election contests, and financial reporting; clarifying provisions relating to reports and statements of the ethical practices board; providing for a presidential primary election; regulating the selection of convention delegates; imposing penalties; amend-

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ing Minnesota Statutes 1988, sections 10A.02, subdivision 8; 203B.10; 203B.12, subdivisions 1 and 6; 203B.13; 204B.09, by adding a subdivision; 204B.27, by adding a subdivision; 204B.40; 204B.46; 204C.06, subdivision 1; 204C.31, by adding a subdivision; 204C.35, subdivision 2; 204C.36; 204C.361; 204D.08, subdivision 1; 204D.23, by adding a subdivision; 204D.27, subdivision 9; 205.16, by adding a subdivision; 205A.07, by adding a subdivision; 205A.10, subdivisions 2, 3, and by adding a subdivision; 206.57, subdivision 1; 206.66; 206.90, subdivision 3; 209.021, subdivision 1; 211A.02, subdivision 1; 211A.05, subdivision 1; and 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 202A; 203B; and 206; proposing coding for new law as Minnesota Statutes, chapter 207A.

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

ARTICLE 1

ELECTION LAW PROVISIONS

Section 1. Minnesota Statutes 1988, section 10A.02, subdivision 8, is amended to read:

Subd. 8. The board shall:

(a) Report at the close of each fiscal year to the legislature, the governor and the public concerning the action it has taken, the names, salaries, and duties of all individuals in its employ and the money it has disbursed. The board shall include and identify in its report any other reports it has made during the fiscal year. It may indicate apparent abuses and offer legislative recommendations;

(b) Prescribe forms for statements and reports required to be filed under sections 10A.01 to 10A.34 and make the forms available to individuals required to file them;

(c) Make available to the individuals required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting;

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 10A.01 to 10A.34;

(e) Make the reports and statements filed with it available for public inspection and copying by the end of the second day following the day on which they were received. Any individual may copy a report or statement by hand or by duplicating machine and the board shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any individual or association for any commercial purpose. “Commercial purpose” does not include purposes related to elections, political activities, or law enforcement. Any individual or association violating the provisions of this clause may be subject to a civil penalty of up to \$1,000. An individual who knowingly violates this subdivision is guilty of a misdemeanor;

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(f) Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of five years from the date of receipt;

(g) Compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate; and

(h) Prepare and publish reports as it may deem appropriate.

Sec. 2. [202A.20] CAUCUS INFORMATION; RESULTS.

Subdivision 1. INFORMATION. The secretary of state may sponsor or participate in activities designed to provide public information related to the precinct caucuses and to promote participation in the caucus process.

Subd. 2. REPORTING CAUCUS RESULTS. The secretary of state may provide a method for the timely reporting of caucus results to the public.

Sec. 3. [203B.001] ELECTION LAW APPLICABILITY.

The Minnesota election law is applicable to voting by absentee ballot unless otherwise provided in this chapter.

Sec. 4. Minnesota Statutes 1988, section 203B.10, is amended to read:

203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.

On the day before an election:

(a) The county auditor shall deliver to the municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

(b) The municipal clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in section 203B.06, subdivision 5, to the appropriate election judges. Applications received on election day pursuant to section 203B.04, subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot ~~counting~~ board.

Sec. 5. Minnesota Statutes 1988, section 203B.12, subdivision 1, is amended to read:

Subdivision 1. **RECEIPT OF RETURN ENVELOPES.** The election judges in each precinct or the judges of an absentee ballot ~~counting~~ board shall take possession of all return envelopes delivered to them in accordance with section 203B.08.

Sec. 6. Minnesota Statutes 1988, section 203B.12, subdivision 6, is amended to read:

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Subd. 6. **EXCEPTION FOR MUNICIPALITIES OR SCHOOL DISTRICTS WITH ABSENTEE BALLOT COUNTING BOARDS.** In municipalities or school districts with an absentee ballot ~~counting~~ board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes from return envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot ~~counting~~ board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality or the school board of a school district with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot ~~counting~~ board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.

Sec. 7. Minnesota Statutes 1988, section 203B.13, is amended to read:

203B.13 ABSENTEE BALLOT COUNTING BOARDS.

Subdivision 1. **ESTABLISHMENT.** The governing body of any municipality may by ordinance, or the school board of any school district may by resolution, authorize an absentee ballot ~~counting~~ board ~~for the purpose of counting all absentee ballots cast in that municipality or school district.~~ The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Subd. 2. **DUTIES.** The absentee ballot ~~counting~~ board ~~shall~~ may do any of the following:

(a) Receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; ~~and~~ or

(c) Report the vote totals tabulated for each precinct.

Subd. 3. **COMPENSATION OF MEMBERS.** The municipal clerk shall pay a reasonable compensation to each member of the absentee ballot ~~counting~~ board for services rendered during each election.

Subd. 3a. **DUPLICATE REGISTRATION FILES.** If the election judges of an absentee ballot ~~counting~~ board are authorized to receive, examine, ~~and~~ validate, and count absentee ballots, the county auditor or municipal clerk shall remove from the duplicate registration files the cards of all persons who have

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applied for absentee ballots at the election and deliver them to the election judges of the absentee ballot counting board along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose it shall be replaced with a notification to the election judges that the voter's card has been removed and directing them to contact the election judges of the absentee ballot counting board if that voter should appear at the polling place for the purpose of voting in person. If contacted by the judges of the precinct, the election judges of the absentee ballot counting board shall examine the duplicate registration card of the voter to determine if an absentee ballot has been cast. They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to vote in person. The election judges of the absentee ballot counting board shall make a notation on the duplicate registration card that the voter has voted and no absentee ballot shall be counted for that voter.

Subd. 4. **APPLICABLE LAWS.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law shall apply to an absentee ballot counting board.

Sec. 8. Minnesota Statutes 1988, section 204B.09, is amended by adding a subdivision to read:

Subd. 1a. ABSENT CANDIDATES. A candidate for county, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

Sec. 9. Minnesota Statutes 1988, section 204B.27, is amended by adding a subdivision to read:

Subd. 6. VOTER PARTICIPATION. The secretary of state may sponsor or participate in nonpartisan activities to promote voter participation in Minnesota elections and in efforts to increase voter registration and voter turnout.

Sec. 10. Minnesota Statutes 1988, section 204B.40, is amended to read:

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION; INSPECTION OF BALLOTS.

The county auditors and municipal clerks shall retain all election materials returned to them after any election for at least one year from the date of that election. All election materials involved in a contested election shall be retained for one year or until the contest has been finally determined, whichever is later.

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Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened, except as provided in this section, in a secure location. The county auditor or, municipal clerk, or school district clerk shall not permit any voted ballots to be tampered with or defaced.

After the time for filing a notice of contest for an election has passed, the secretary of state may open the sealed ballot envelopes and inspect the ballots for that election maintained by the county auditors, municipal clerks, or school district clerks for the purpose of monitoring and evaluating election procedures. No inspected ballot may be marked or identified in any manner. After inspection, all ballots must be returned to the ballot envelope and the ballot envelope must be securely resealed.

Sec. 11. Minnesota Statutes 1988, section 204B.46, is amended to read:

204B.46 ~~EXPERIMENTAL~~ MAIL ELECTIONS; QUESTIONS.

~~Between August 1, 1987, and March 30, 1989, the secretary of state may authorize experimental mail elections. A county or, municipality, or school district submitting questions to the voters at a special election may apply to the secretary of state county auditor for approval of an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 or later than 18 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county or, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The Minnesota election law is applicable to experimental mail elections except as provided by this section or as authorized by the secretary of state. The secretary of state shall report to the legislature on implementation of this section.~~

Sec. 12. Minnesota Statutes 1988, section 204C.06, subdivision 1, is amended to read:

Subdivision 1. **LINGERING NEAR POLLING PLACE.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. ~~No voters or other individuals shall congregate in any number within 100 feet of a polling place. No one, either inside a polling place or within 100 feet of the entrance to it, shall ask a voter how the voter intends to vote or has voted on any office or question on the ballot. No one except an election official or an individual who is waiting to register or to vote shall congregate in any number or stand within 50 100 feet of the entrance to a polling place.~~

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Sec. 13. Minnesota Statutes 1988, section 204C.31, is amended by adding a subdivision to read:

Subd. 3. DUTIES OF CANVASSING BOARDS. The returns from every election held in this state must be reported to a legally constituted canvassing board. The duties of each canvassing board are limited to those duties specified in sections 204C.32 to 204C.39.

Sec. 14. Minnesota Statutes 1988, section 204C.35, subdivision 2, is amended to read:

Subd. 2. **OPTIONAL RECOUNT.** A losing candidate for nomination or election to a legislative office or to a district, county or county municipal court judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought. The requesting candidate shall file with the filing officer a bond, cash or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Sec. 15. Minnesota Statutes 1988, section 204C.36, is amended to read:

204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.

Subdivision 1. REQUIRED RECOUNTS. A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or

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(e) One hundred votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Subd. 2. DISCRETIONARY CANDIDATE RECOUNTS. A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1, clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

Subd. 3. DISCRETIONARY BALLOT QUESTION RECOUNTS. A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, clauses (a) to (e). A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, clauses (a) to (e), the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Subd. 4. EXPENSES. In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the

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compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Subd. 5. NOTICE OF CONTEST. Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

Sec. 16. Minnesota Statutes 1988, section 204C.361, is amended to read:

204C.361 RULES FOR RECOUNTS.

The secretary of state shall adopt rules according to the Administrative Procedures Act establishing uniform recount procedures. All recounts provided for by sections 204C.35 ~~and~~, 204C.36, and 25 shall be conducted in accordance with these rules.

Sec. 17. Minnesota Statutes 1988, section 204D.08, subdivision 1, is amended to read:

Subdivision 1. **FORM.** Except as provided in this section, state primary ballots shall be printed in the same manner as state general election ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.

The secretary of state shall adopt rules for the format and preparation of the state primary ballot.

Sec. 18. Minnesota Statutes 1988, section 204D.23, is amended by adding a subdivision to read:

Subd. 5. WITHDRAWAL OF CANDIDATES. A candidate may withdraw from the special primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit of withdrawal must be filed no later than 5:00 p.m. of the day after the last day for filing affidavits of candidacy.

Sec. 19. Minnesota Statutes 1988, section 204D.27, subdivision 9, is amended to read:

Subd. 9. CANVASS; SPECIAL LEGISLATIVE ELECTION; STATE CANVASSING BOARD. Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for state senator or state representative and declare the results within ~~two~~ four days, excluding Sundays

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and legal holidays, after the returns of the county canvassing boards are certified to the secretary of state.

Sec. 20. Minnesota Statutes 1988, section 205.16, is amended by adding a subdivision to read:

Subd. 4. NOTICE TO AUDITOR. At least 30 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election and the offices and questions to be voted on at the election.

Sec. 21. Minnesota Statutes 1988, section 205A.07, is amended by adding a subdivision to read:

Subd. 3. NOTICE TO AUDITOR. At least 30 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election and the offices and questions to be voted on at the election.

Sec. 22. Minnesota Statutes 1988, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **ELECTION, CONDUCT.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot counting board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2.

Sec. 23. Minnesota Statutes 1988, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.** Within two days after a school district election other than a recount of a special election conducted under section 124A.03, subdivision 2, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any

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time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

A school district canvassing board shall perform the duties of the school board according to the requirements of this subdivision for a recount of a special election conducted under section 124A.03, subdivision 2, or 475.59.

Sec. 24. Minnesota Statutes 1988, section 205A.10, is amended by adding a subdivision to read:

Subd. 5. SCHOOL DISTRICT CANVASSING BOARD. For the purpose of a recount of a special election conducted under section 124A.03, subdivision 2, or 475.59, the school district canvassing board shall consist of one member of the school board other than the clerk, selected by the board, the clerk of the school board, the county auditor of the county in which the greatest number of school district residents reside, the court administrator of the district court of the judicial district in which the greatest number of school district residents reside, and the mayor or chair of the town board of the school district's most populous municipality. Any member of the canvassing board may appoint a designee to appear at the meeting of the board, except that no designee may be a candidate for public office. If one of the individuals fails to appear at the meeting of the canvassing board, the county auditor shall appoint an eligible voter of the school district, who must not be a member of the school board, to fill the vacancy. Not more than two school board members shall serve on the canvassing board at one time. Four members constitute a quorum.

The school board shall serve as the school district canvassing board for the election of school board members.

Sec. 25. Minnesota Statutes 1988, section 206.57, subdivision 1, is amended to read:

Subdivision 1. EXAMINATION AND REPORT BY SECRETARY OF STATE; APPROVAL. A vendor of a lever voting machine or electronic voting system may apply to the secretary of state to examine the machine or system and to report as to its compliance with the requirements of law and as to its accuracy, durability, efficiency, and capacity to register the will of voters. The secretary of state or a designee shall examine the machine or system submitted and file a report on it in the office of the secretary of state. Examination is not required of every individual machine or counting device, but only of each type of lever voting machine or electronic voting system before its adoption, use, or purchase and before its continued use after significant changes have been made in an approved machine or system. The examination must include the ballot programming, vote counting, and vote accumulation functions of each voting machine or system.

If the report of the secretary of state or the secretary's designee concludes that the kind of machine or system examined complies with the requirements of

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sections 206.55 to ~~206.87~~ 206.90 and can be used safely, the machine or system shall be deemed approved by the secretary of state, and may be adopted and purchased for use at elections in this state. A voting machine or system not approved by the secretary of state may not be used at an election in this state. The secretary of state may adopt permanent and emergency rules consistent with sections 206.55 to ~~206.87~~ 206.90 relating to the examination and use of voting machines and electronic voting systems.

Sec. 26. Minnesota Statutes 1988, section 206.66, is amended to read:

206.66 VIOLATIONS; PENALTIES.

Subdivision 1. **INJURING VOTING MACHINES.** An individual who intentionally injures or attempts to injure or render ineffectual a lever voting machine or any component of an electronic voting system, or who violates any of the provisions of sections 206.55 to ~~206.87~~ 206.90, is guilty of a felony.

Subd. 2. **VIOLATION OF LAW, RULES.** An individual who violates any rules adopted by the secretary of state or by the governing body of a municipality where lever voting machines or an electronic voting system are used, or who violates any of the provisions of sections 206.55 to ~~206.87~~ 206.90 is guilty of a gross misdemeanor.

Subd. 3. **PERFORMANCE BOND.** A vendor of voting machines, electronic voting systems, or related election services shall furnish the secretary of state with a sufficient bond conditioned on the performance of those machines, systems, or services in accordance with the Minnesota election law and any contract or agreement made with an election jurisdiction in Minnesota. The vendor bond required under section 206.57, subdivision 4, may serve as the performance bond required under this subdivision. The secretary of state shall send notice of the receipt or forfeiture of a bond under this subdivision to each official on the user list.

Sec. 27. **[206.88] PARTIAL RECOUNTS ON ELECTRONIC VOTING SYSTEMS.**

The secretary of state may conduct a recount to verify the accuracy of vote counting and recording in one or more precincts in which an electronic voting system was used in the election. The results of the recount must be reported to the appropriate canvassing board. Time for notice of nomination, election, or contest for an office recounted pursuant to this section must begin upon certification of the results of the recount by the canvassing board.

Sec. 28. Minnesota Statutes 1988, section 206.90, subdivision 3, is amended to read:

Subd. 3. **AVAILABILITY OF PAPER BALLOTS.** For the purposes of section 206.63, "paper ballots" includes ballot cards which are voted by marking with a pencil or other writing instrument and on which are printed the names of

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candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No." At a state or county election where an optical scan voting system will be in use, the county auditor may provide ballot cards meeting the requirements of this section in lieu of paper ballots otherwise required to be prepared by the county auditor. In an election jurisdiction where an optical scan voting system has been adopted, the election official may provide paper ballots prepared in the same format used for the voting system.

Sec. 29. Minnesota Statutes 1988, section 209.021, subdivision 1, is amended to read:

Subdivision 1. **MANNER; TIME; CONTENTS.** Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Notice must be served and filed within five days after the canvass is completed in the case of a primary or within seven days after the canvass is completed in the case of a special or general election; except that if a contest is based on a deliberate, serious, and material violation of the election laws which was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general election or within five days after the filing of the statements in the case of a primary. If a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count.

Sec. 30. Minnesota Statutes 1988, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. **WHEN AND WHERE FILED BY COMMITTEES.** (a) 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 the reports listed in paragraph (b) until a final report is filed.

(b) 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, and~~ 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 or special primary;
- (2) ten days before the general election or special election; and

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- (3) seven days before a special primary;
- (4) seven days before a special election; and
- (5) 30 days after a general or special election.

Sec. 31. Minnesota Statutes 1988, section 211A.05, subdivision 1, is amended to read:

Subdivision 1. **PENALTY.** A candidate who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. ~~A member~~ The treasurer of a committee that formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The secretary of state shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate with knowledge that the candidate's financial statement has not been filed who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor.

Sec. 32. Minnesota Statutes 1988, section 211B.11, subdivision 1, is amended to read:

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.

The secretary of state may distribute stickers to the county auditors which contain the words "I VOTED" and nothing more, and which have been donated to the state without cost. Any stickers of this type must be delivered to the county auditors at least 30 days prior to the election. Election judges may offer a sticker of this type to each voter who has signed the polling place roster.

Sec. 33. **EFFECTIVE DATE.**

Sections 1 to 32 are effective the day following final enactment.

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

ARTICLE 2

PRESIDENTIAL PRIMARY

Section 1. [207A.01] PRESIDENTIAL PRIMARY.

A presidential primary must be held on the fourth Tuesday in February of each year in which a president and vice president of the United States are to be nominated and elected, at which the voters of this state may express their preference among the candidates of the major political party of their choice, for that party's nomination to be president of the United States. For the purposes of sections 1 to 7, "political party" or "party" means a political party as defined in section 200.02, subdivision 7.

Sec. 2. [207A.02] CANDIDATES ON BALLOT.

Subdivision 1. REQUIRED LISTING. The following individuals must be listed as candidates on the appropriate major political party presidential ballot with a separate ballot for each major political party:

(1) any individual whose name has been entered as a candidate for the nomination of a major political party in presidential primaries in two or more other states during the same year; and

(2) any individual nominated as a candidate for the presidential nomination of a political party by a petition bearing the names of 2,000 eligible voters from each congressional district.

Subd. 2. TENTATIVE LISTING. A tentative determination of the candidates to be listed for each political party on the presidential primary ballot must be announced by the secretary of state ten weeks before the primary for the purpose of giving voters sufficient time to nominate unlisted candidates by petition.

Subd. 3. ANNOUNCEMENT. The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than six weeks before the presidential primary.

Subd. 4. NOTIFICATION. The secretary of state shall notify each individual whose name is to be listed on the presidential primary ballot that the individual's name will be listed unless the individual submits an affidavit stating that the individual is not a candidate for the presidential nomination, does not intend to become a candidate, and would not accept the nomination. The affidavit must be submitted to and received by the secretary of state no later than five weeks before the presidential primary.

Sec. 3. [207A.03] PRESIDENTIAL PRIMARY; HOW CONDUCTED.

Except as otherwise provided in sections 1 to 7, the presidential primary must be announced, held, and conducted, and the results canvassed and returned in the manner provided by law for other primaries and in accordance with the general election laws of the state, as applicable. If a municipality which uses

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lever voting machines or an electronic voting system determines that the use of the machines or voting system would not be practical in the presidential primary, the municipality may use a paper ballot for the presidential primary.

Sec. 4. [207A.04] AUDITOR FURNISHED INFORMATION BY SECRETARY OF STATE; BALLOT PREPARATION.

Subdivision 1. NOTICE. Before December 1 of the year before a presidential primary is to be held, the secretary of state shall provide notice to the county auditor of each county of the date of the presidential primary. Each county auditor shall provide notice of the date of the presidential primary to each municipal clerk in the county. At least 15 days before the date of the presidential primary, each municipal clerk shall post a public notice stating the date and hours during which the polling places in the municipality will be open. Failure to give notice does not invalidate the election.

Subd. 2. BALLOT PREPARATION. The secretary of state shall prepare paper ballots, absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary statements for use in the presidential primary. The ballots must be printed on white paper with a separate ballot for the names of the candidates of each political party.

Sec. 5. [207A.05] ENDORSED CANDIDATE.

The candidate who receives a plurality of the votes cast for candidates of the candidate's political party must be declared the endorsed candidate of that party.

Sec. 6. [207A.06] SELECTION OF DELEGATES; NATIONAL CONVENTION BALLOTING.

Subdivision 1. APPORTIONMENT OF VOTES. The delegates to the national convention of each political party appearing on the presidential primary ballot must be apportioned among the various candidates of that party receiving votes in the presidential primary, in proportion to their respective vote totals.

The secretary of state shall certify to the state chairperson of each political party appearing on the presidential primary ballot the number of delegates to which each presidential candidate is entitled.

Subd. 2. CHOSEN DELEGATES. Delegates to the national convention of each political party appearing on the presidential primary ballot must be chosen by the state convention of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention shall promptly notify the secretary of state of the names of the delegates to the national convention chosen as supporters of each presidential candidate. Only supporters of candidates whose names appeared on the presidential primary ballot may be chosen by the state convention of that party to be delegates to the national convention. The secretary of state shall promptly notify each presidential candidate of the names of the delegates to the national convention chosen as supporters of that candidate. If the presidential candidate determines that the

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delegates chosen as supporters by the state convention are not in fact committed to the candidate's candidacy, the candidate shall, within ten days of receiving the notification from the secretary of state, advise the secretary of state of the names of those delegates to whom the candidate objects on those grounds and shall name as substitute delegates any other individuals who are committed to the candidacy. The determination and selection by the presidential candidate shall take precedence over the decision of the state convention and is final. The secretary of state shall promptly notify the secretary of the state convention of the affected political party of the action by a presidential candidate.

Subd. 3. DELEGATE VOTES. At the national convention, delegates chosen because of their support for a presidential candidate shall vote for that candidate on the first ballot at the national convention regardless of the number of votes the candidate receives, and shall also vote for the candidate on the second and third ballots if the candidate receives at least 20 percent of the votes cast on the preceding ballot, unless they have been released from that obligation by the candidate.

Sec. 7. [207A.07] USE OF VOTING MACHINES.

The county auditor of each county in which lever voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed to place the ballots required by sections 1 to 7 on the voting machines which otherwise are provided by the state when paper ballots are used. The total cost of printing and providing the forms must be paid by the state.

Presented to the governor May 26, 1989

Signed by the governor May 30, 1989, 11:48 a.m.

CHAPTER 292—S.F.No. 180

An act relating to commerce; regulating the use of names for certain business entities; providing a procedure for contesting the registration of a name; amending Minnesota Statutes 1988, sections 300.025; 302A.115, subdivisions 1, 3, and by adding a subdivision; 302A.117, subdivision 1; 303.05, by adding a subdivision; 317.09, subdivision 2, and by adding a subdivision; 322A.02; 322A.72; and 333.055, subdivision 4; amending Laws 1989, chapter 144, article 1, section 8, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 5.

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

Section 1. [5.22] CONTEST OF REGISTRATION OF NAME.

Subdivision 1. NOTICE OF CONTEST; DEPOSIT. A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state by filing an acknowledged notice of contest with the secretary of state and sending a copy of the notice of contest to the person

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