

directors for the purposes of section 1. No funds shall be released for the purposes of section 1 until the commissioner of trade and economic development has reviewed the services and determined that they do not duplicate other state services.

(b) \$50,000 is appropriated from the general fund to the regents of the University of Minnesota for the fiscal year ending June 30, 1992, to make a grant to the Red River trade corridor project.

Presented to the governor May 31, 1991

Became law without the governor's signature June 5, 1991

[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]

CHAPTER 349—H.F.No. 635

An act relating to elections; authorizing a mail levy referendum; authorizing certain experimental procedures; setting certain redistricting goals and deadlines; authorizing certain actions by voters; limiting certain special elections; setting times and procedures for certain boundary changes; imposing duties on the secretary of state; changing requirements for polling places; appropriating money; amending Minnesota Statutes 1990, sections 10A.01, subdivisions 10 and 10c; 10A.02, subdivisions 5, 8, 9, 10, 12, and 13; 10A.065, subdivisions 1 and 5; 10A.20, subdivisions 3 and 5; 10A.25, subdivisions 5, 7, and 10; 10A.255, subdivision 3; 10A.27, subdivision 1; 10A.30, subdivision 2; 10A.31, subdivisions 3 and 10; 10A.324, subdivision 3; 10A.43, subdivisions 1, 3, and 4; 10A.44, subdivisions 1, 4, and 6; 201.091, subdivision 4; 202A.14, subdivision 1; 204B.135; 204B.14, subdivisions 3, 4, and 6, and by adding a subdivision; 204B.16, subdivisions 1 and 2; 205.84, subdivision 2; 205A.12, subdivision 6; and 375.025, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 204B.

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

Section 1. Minnesota Statutes 1990, section 10A.01, subdivision 10, is amended to read:

Subd. 10. **CAMPAIGN EXPENDITURE.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

An expenditure is considered to be made in the year in which the ~~goods or services for which it was made are used or consumed~~ candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

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

An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

Except as provided in clause (a), expenditure includes the dollar value of a donation in kind.

Expenditure does not include:

- (a) Noncampaign disbursements as defined in subdivision 10c;
- (b) Transfers as defined in subdivision 7a;
- (c) Services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee, or political fund; or
- (d) The publishing or broadcasting of news items or editorial comments by the news media.

Sec. 2. Minnesota Statutes 1990, section 10A.01, subdivision 10c, is amended to read:

Subd. 10c. **NONCAMPAIGN DISBURSEMENT.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

Noncampaign disbursement includes:

- (a) Payment for accounting and legal services;
- (b) Return of a contribution to the source;
- (c) Repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund;
- (d) Return of money from the state elections campaign fund;
- (e) Payment for food, beverages, entertainment, and facility rental for a fundraising event;
- (f) Services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to 60 days after adjournment sine die of the legislature in the election year for the office held; ~~and~~
- (g) A donation in kind given to the political committee, political fund, or principal campaign committee for purposes listed in clauses (e) and (f). The board shall determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision; and

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

(h) Payment for food and beverages provided to campaign volunteers while they are engaged in campaign activities.

Sec. 3. Minnesota Statutes 1990, section 10A.02, subdivision 5, is amended to read:

Subd. 5. The board shall appoint an executive director who shall be in the unclassified service. The board may also employ and prescribe the duties of other permanent or temporary employees in the unclassified service as may be necessary to administer ~~sections 10A.01 to 10A.34~~ this chapter, subject to appropriation. The executive director and all other employees shall serve at the pleasure of the board. Expenses of the board shall be approved by the chair or such other member as the rules of the board may provide and the expenses shall then be paid in the same manner as other state expenses are paid.

Sec. 4. Minnesota Statutes 1990, 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~~ this chapter 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~~ this chapter;

(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;

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

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

(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. 5. Minnesota Statutes 1990, section 10A.02, subdivision 9, is amended to read:

Subd. 9. **DOCUMENTS; INFORMATION.** The executive director of the board or the director's staff shall inspect all material filed with the board as promptly as is necessary to comply with the provisions of ~~sections 10A.01 to 10A.34~~ this chapter, and other provisions of law requiring the filing of a document with the board. The executive director shall immediately notify the individual required to file a document with the board if a written complaint is filed with the board by any registered voter alleging, or it otherwise appears, that a document filed with the board is inaccurate or does not comply with the provisions of ~~sections 10A.01 to 10A.34~~ this chapter, or that the individual has failed to file a document required by ~~sections 10A.01 to 10A.34~~ this chapter. The executive director and staff may provide an individual required to file a document under this chapter with factual information concerning the limitations on corporate campaign contributions imposed by section 211B.15.

Sec. 6. Minnesota Statutes 1990, section 10A.02, subdivision 10, is amended to read:

Subd. 10. The board may make audits and investigations with respect to statements and reports which are filed or which should have been filed under the provisions of ~~sections 10A.01 to 10A.34~~ this chapter. In all matters relating to its official duties, the board shall have the power to issue subpoenas and cause them to be served. If a person does not comply with a subpoena, the board may apply to the district court of Ramsey county for issuance of an order compelling obedience to the subpoena. A person failing to obey the order is punishable by the court as for contempt.

Sec. 7. Minnesota Statutes 1990, section 10A.02, subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of ~~sections 10A.01 to 10A.34~~ this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. An advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.

Sec. 8. Minnesota Statutes 1990, section 10A.02, subdivision 13, is amended to read:

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Subd. 13. The provisions of chapter 14 apply to the board. The board may ~~promulgate~~ adopt rules to carry out the purposes of ~~sections 10A.01 to 10A.34~~ this chapter.

Sec. 9. Minnesota Statutes 1990, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. **REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.** A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate, shall not solicit or accept a contribution on behalf of the candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate, from a registered lobbyist, political committee, or political fund during a regular session of the legislature.

Sec. 10. Minnesota Statutes 1990, section 10A.065, subdivision 5, is amended to read:

Subd. 5. **POLITICAL COMMITTEE.** This section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by all or part of the party organization within each house of the legislature, except for individual members; by a candidate for ~~an office other than the legislature~~ a judicial office; or to a member of such a political committee acting solely on behalf of the committee.

Sec. 11. Minnesota Statutes 1990, section 10A.20, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF REPORT.** Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$100 for legislative or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

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

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period; ~~and~~

(l) Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1, the name and address of each individual or association to whom aggregate noncampaign

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disbursements in excess of \$100 have been made within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each noncampaign disbursement; and

(m) The sum of all noncampaign disbursements made within the year by or on behalf of a principal campaign committee, political committee, or political fund.

Sec. 12. Minnesota Statutes 1990, section 10A.20, subdivision 5, is amended to read:

Subd. 5. **PREELECTION REPORTS.** In any statewide election any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any legislative election totaling more than \$400, received between the last day covered in the last report prior to an election and the election shall be reported to the board in one of the following ways:

- (1) in person within 48 hours after its receipt;
- (2) by telegram or mailgram within 48 hours after its receipt; or
- (3) by certified mail sent within 48 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to a primary if the statewide or legislative candidate is unopposed in that primary.

Sec. 13. Minnesota Statutes 1990, section 10A.25, subdivision 5, is amended to read:

Subd. 5. **PRIMARY RACES.** Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary who ~~receives less~~ received fewer than twice as many votes as any one of the candidate's opponents in that primary may make aggregate expenditures and approved expenditures equal to 120 percent of the applicable amount as set forth in subdivision 2, as adjusted by section 10A.255. A candidate in a contested primary race may not, under this subdivision, make aggregate expenditures and approved expenditures of more than 100 percent of the expenditure limits imposed by subdivision 2 until after the primary.

Sec. 14. Minnesota Statutes 1990, section 10A.25, subdivision 7, is amended to read:

Subd. 7. On or before December 31 of each nonelection year the board shall determine and publish in the State Register the expenditure limits for each office for the next calendar year as prescribed by subdivision 2.

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

Sec. 15. Minnesota Statutes 1990, section 10A.25, subdivision 10, is amended to read:

Subd. 10. **EFFECT OF OPPONENT'S AGREEMENT.** (a) The expenditure limits imposed by this section apply only to candidates whose major political party opponents agree to be bound by the limits and who themselves agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of an allocation of money from the state elections campaign fund.

(b) A candidate of a major political party who agrees to be bound by the limits and receives a public subsidy, who has an opponent who: (1) is a candidate of a major political party; and (2) does not agree to be bound by the limits but is otherwise eligible to receive a public subsidy;

(i) is no longer bound by the limits, including those in section 10A.324, subdivision 1, paragraph (c); ~~but;~~ and

(ii) is ~~still~~ eligible to receive a public subsidy.

For purposes of this subdivision, "otherwise eligible to receive a public subsidy" means that a candidate meets the requirements of sections 10A.31, 10A.315, 10A.321, and 10A.322, but does not mean that the candidate has filed an affidavit of matching funds under section 10A.323.

Sec. 16. Minnesota Statutes 1990, section 10A.255, subdivision 3, is amended to read:

Subd. 3. **PUBLICATION OF EXPENDITURE LIMIT.** By June 15 of each election year the board shall publish in the State Register the expenditure limit for each office for that calendar year under section 10A.25 as adjusted by this section.

Sec. 17. Minnesota Statutes 1990, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. **CONTRIBUTION LIMITS.** Except as provided in subdivisions 2 and 6, no candidate shall permit the candidate's principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:

(a) To candidates for governor and lieutenant governor running together, ~~\$60,000~~ \$20,000 in an election year for the office sought and ~~\$12,000~~ \$3,000 in other years;

(b) To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;

(c) To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;

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

(d) To a candidate for state senator, \$1,500 in an election year for the office sought and one-third of that amount in other years; and

(e) To a candidate for state representative, \$750 in an election year for the office sought and one-third of that amount in the other year.

Sec. 18. Minnesota Statutes 1990, section 10A.30, subdivision 2, is amended to read:

Subd. 2. **SEPARATE ACCOUNT.** Within the state elections campaign fund account there shall be maintained a separate political party account for the state committee and the candidates of each political party and a general account.

Sec. 19. Minnesota Statutes 1990, section 10A.31, subdivision 3, is amended to read:

Subd. 3. **FORM.** The commissioner of the department of revenue shall provide on the first page of the income tax form and the renter and homeowner property tax refund return a space for the individual to indicate a wish to allocate \$5 (\$10 if filing a joint return) from the general fund of the state to finance ~~the election campaigns of state candidates.~~ The form shall also contain language prepared by the commissioner which permits the individual to direct the state to allocate the \$5 (or \$10 if filing a joint return) to: (i) one of the major political parties; (ii) any minor political party as defined in section 10A.01, subdivision 13, which qualifies under the provisions of subdivision 3a; or (iii) all qualifying candidates as provided by subdivision 7. The renter and homeowner property tax refund return shall include instructions that the individual filing the return may designate \$5 on the return only if the individual has not designated \$5 on the income tax return.

Sec. 20. Minnesota Statutes 1990, section 10A.31, subdivision 10, is amended to read:

Subd. 10. **DISTRIBUTION.** In the event that on the date of either certification by the commissioner of revenue as provided in subdivisions 6 and 7, less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the board on December 7 the amount accumulated in each account since the previous certification. Within one week thereafter, the board shall certify to the state treasurer the amount to be distributed to each candidate according to the allocations as provided in subdivision 5. As soon as practicable thereafter, the state treasurer shall distribute the amounts to the candidates in the form of checks made "payable to the campaign fund of(name of candidate)....." Any money accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.

Sec. 21. Minnesota Statutes 1990, section 10A.324, subdivision 3, is amended to read:

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Subd. 3. **HOW RETURN DETERMINED.** Whether or not a candidate is required under subdivision 1 to return all or a portion of the public subsidy received from the state elections campaign fund must be determined from the report required to be filed with the board by that candidate by January 31 of the year following an election. For purposes of this section, a transfer from one principal campaign committee to another principal campaign committee or to a political party is considered to be a noncampaign disbursement. Any amount required to be returned must be submitted in the form of a check or money order and must accompany the report filed with the board. The board shall forward the check or money order to the state treasurer for deposit in the general fund. The amount returned must not exceed the amount of public subsidy received by the candidate from the state elections campaign fund.

Sec. 22. Minnesota Statutes 1990, section 10A.43, subdivision 1, is amended to read:

Subdivision 1. **FINANCIAL INCENTIVE.** (a) The state treasurer shall pay a financial incentive to each congressional candidate of a major political party or minor political party whose name will appear on the ballot in a general or special election, who has signed an agreement to limit campaign expenditures as provided in this section, and who is abiding by the agreement. In the case of an independent or new political party candidate, the congressional candidate must in addition receive more than three percent of the vote cast at the general election for the office sought. An incentive is not payable to a congressional candidate whose name appears only on the ballot in a primary election, but an incentive paid to a candidate in a general or special election may be used to pay expenses or retire debt incurred in the primary campaign. The state treasurer shall distribute the financial incentive in the form of a check made "payable to the campaign fund of ...(name of candidate)...."

(b) The amount of the incentive is up to 25 percent of the expenditure limit for a congressional candidate for the office of United States senator and up to 25 percent of the expenditure limit for a congressional candidate for the office of representative in Congress.

Sec. 23. Minnesota Statutes 1990, section 10A.43, subdivision 3, is amended to read:

Subd. 3. **SUBMISSION OF AGREEMENT.** (a) Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The board shall also make agreement forms available to congressional candidates on request at any time.

(b) The congressional candidate may sign an agreement and submit it, along with a copy of the candidate's federal designation of a principal campaign committee, to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, for a general election the congressional candidate may obtain an agreement form from the board and sub-

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mit the agreement, along with a copy of the candidate's federal designation of a principal campaign committee, directly to the board by at any time before September 1 preceding the general election.

(c) An agreement may not be signed or rescinded after that date September 1 preceding the general election.

(d) The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

Sec. 24. Minnesota Statutes 1990, section 10A.43, subdivision 4, is amended to read:

Subd. 4. **HOW LONG AGREEMENT IS EFFECTIVE.** The agreement, insofar as it relates to the expenditure limits in section 10A.44, remains effective for congressional candidates until the termination of the authorized committees of the congressional candidate, as provided under United States Code, title 2, section 433(d), or the day filings open for the next succeeding election to the office held or sought at the time of agreement, or the agreement is rescinded by the candidate within the time limits provided by law, whichever occurs first.

Sec. 25. Minnesota Statutes 1990, section 10A.44, subdivision 1, is amended to read:

Subdivision 1. **LIMITS.** During the calendar year in which an election is held for an office sought by a congressional candidate, no expenditures may be made by the authorized committees of that congressional candidate that result in an aggregate amount in excess of the following:

- (1) for United States senator, \$3,400,000; and
- (2) for representative in Congress, \$425,000.

A congressional candidate whose name will appear on the ballot in more than one general or special election in a year is subject to a separate spending limit for each election. For a candidate for representative in Congress in a special election, the expenditure limits apply during the ten months before and the two months after the special election. For purposes of calculating aggregate expenditure amounts under this section, an expenditure by an authorized committee of a congressional candidate does not include an expenditure from an authorized committee of a congressional candidate to a state political party.

Sec. 26. Minnesota Statutes 1990, section 10A.44, subdivision 4, is amended to read:

Subd. 4. **POSTELECTION YEAR EXPENDITURES.** In any year preceding or following an election year for the office held or sought, the aggregate amount of expenditures on behalf of a congressional candidate for or holder of that office must not exceed 20 percent of the expenditure limit in subdivisions 1 and 2.

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

Sec. 27. Minnesota Statutes 1990, section 10A.44, subdivision 6, is amended to read:

Subd. 6. **CERTAIN POSTELECTION COSTS.** After the election, a congressional candidate who is not a congressional incumbent and has been elected to Congress may spend an amount up to ten percent of the limits under subdivision 1 or 2 to defray transition costs, unless restricted by federal law. This money may be spent only for the costs of the transition that are incurred between the election and the date on which the elected candidate begins congressional service and cannot be used to retire debts remaining from the primary or general election campaign.

Sec. 28. Minnesota Statutes 1990, section 201.091, subdivision 4, is amended to read:

Subd. 4. **PUBLIC INFORMATION LISTS.** The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or law enforcement.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Sec. 29. Minnesota Statutes 1990, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **TIME AND MANNER OF HOLDING; POSTPONEMENT.** At 7:30 p.m. on the ~~fourth first~~ first Tuesday in ~~February~~ after the first Monday in March in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consulta-

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tion with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 30. Minnesota Statutes 1990, section 204B.135, is amended to read:

204B.135 REDISTRICTING OF ELECTION DISTRICTS.

Subdivision 1. **CITIES WITH WARDS.** A city that elects its council members by wards may not redistrict those wards ~~in a year ending in one or~~ before the legislature has been redistricted in a year ending in one or two. The wards must be redistricted within ~~45~~ 60 days after the legislature has been redistricted or ~~by May 10 at least 19 weeks before the state primary election~~ in the year ending in two, whichever is first.

Subd. 2. **OTHER ELECTION DISTRICTS.** For purposes of this subdivision, "local government election district" means a county district, park and recreation district, school district, or soil and water conservation district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph (c); ~~or by May 10 in a year ending in two; whichever comes first.~~ Election districts covered by this subdivision must be redistricted within ~~65~~ 80 days of the time when the legislature has been redistricted or ~~by June 1 at least 15 weeks before the state primary election~~ in the year ending in two, whichever comes first.

Subd. 3. VOTERS RIGHTS. (a) An eligible voter may apply to the district court for either a writ of mandamus requiring the redistricting of wards or local government election districts or to revise any plan adopted by the governing body responsible for redistricting of wards or local government election districts.

(b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 18 weeks before the state primary election in the year ending in two, notwithstanding any charter provision. If a city adopts a ward redistricting plan less than 19 weeks before the state primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court no later than one week after the plan has been adopted, notwithstanding any charter provision.

(c) If a plan for redistricting of a local government election district is adopted at least 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 14 weeks before the state primary election in the year ending in two. If a plan for redistricting of a local government election district is

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adopted less than 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court no later than one week after the plan has been adopted.

Subd. 4. SPECIAL ELECTIONS; LIMITATIONS. No municipality or school district may conduct a special election during the 19 weeks before the state primary election in the year ending in two, except for special elections conducted on the date of the school district general election. A school district special election required by any other law may be deferred until the date of the next school district general election, the state primary election, or the state general election.

Sec. 31. Minnesota Statutes 1990, section 204B.14, is amended by adding a subdivision to read:

Subd. 1a. LEGISLATIVE POLICY. It is the intention of the legislature to complete congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries as soon as possible after the adoption of the congressional and legislative redistricting plans but in no case later than 25 weeks before the state primary election in the year ending in two.

Sec. 32. Minnesota Statutes 1990, section 204B.14, subdivision 3, is amended to read:

Subd. 3. BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION. Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in seven to the time when the legislature has been redistricted in a year ending in one or two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries must be reestablished within 45 60 days of the time when the legislature has been redistricted, or ~~by May 10~~ at least 19 weeks before the state primary election in a year ending in two, whichever comes first. The adoption of reestablished precinct boundaries becomes effective on the date of the state primary election in the year ending in two.

Precincts must be arranged so that no precinct lies in more than one legislative district.

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

Sec. 33. Minnesota Statutes 1990, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **BOUNDARY CHANGE PROCEDURE.** Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. Except in the case of the combination or separation of municipalities for election purposes under subdivision 8, the municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least ~~30~~ 14 days prior to the first election held after the change takes effect.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision may be established in the manner provided in the rules of the secretary of state.

Sec. 34. Minnesota Statutes 1990, section 204B.14, subdivision 6, is amended to read:

Subd. 6. **PRECINCT BOUNDARIES TO FOLLOW PHYSICAL FEATURES.** The boundaries of election precincts shall follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established in the manner provided in the rules of the secretary of state to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

Sec. 35. [204B.146] DUTIES OF SECRETARY OF STATE.

The secretary of state shall conduct conferences with the county auditors, municipal clerks, and school district clerks to instruct them on the procedures for redistricting of election districts and establishment of election precincts in the year ending in one.

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

Sec. 36. Minnesota Statutes 1990, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY; LOCATION.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a ~~municipality~~ city or in a school district located in whole or in part in the metropolitan area defined by section 473.121 shall be located within the boundaries of the precinct or within ~~1,500~~ 3,000 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2 or a school district pursuant to section 205A.11. ~~The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5.~~ The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within the town or within a school district located outside the metropolitan area defined by section 473.121, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 37. Minnesota Statutes 1990, section 204B.16, subdivision 2, is amended to read:

Subd. 2. **SINGLE POLLING PLACE PERMITTED.** The governing body of any city of the third or fourth class having more than one precinct or of any city with territory in more than one county may by ordinance or resolution designate a single, accessible, centrally located polling place where all the voters of the city shall cast their ballots. A single polling place may also be established for two precincts combined in the manner provided in section 204B.14, subdivision 6. A single board of election judges may be appointed to serve at this polling place. The number of election judges appointed shall be determined by considering the number of voters in the entire city as if they were voters in a single precinct. Separate ballot boxes shall be provided and separate returns made for each precinct in the city.

Sec. 38. Minnesota Statutes 1990, section 205.84, subdivision 2, is amended to read:

Subd. 2. **REDEFINING WARD BOUNDARIES.** The governing body of the city may by ordinance redefine ward boundaries after a municipal general election. The council shall hold a public hearing on the proposed ordinance before its adoption. One week's published notice of the hearing shall be given. ~~Within six months~~ After the official certification of each ~~the~~ federal decennial or special census, the governing body of the city shall either confirm the existing

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ward boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries to conform to those standards as provided in section 204B.135, subdivision 1. If the governing body of the city fails to take either action within the time required, no further compensation shall be paid to the mayor or council member until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries ~~shall apply to the first election held at least six months after pursuant to section 204B.135, subdivision 1,~~ becomes effective on the date of the state primary election in the year ending in two. Ward boundaries established at other times become effective 90 days after the adoption of the ordinance.

Sec. 39. Minnesota Statutes 1990, section 205A.12, subdivision 6, is amended to read:

Subd. 6. **REDEFINING ELECTION DISTRICT BOUNDARIES.** The school board may by resolution redefine district boundaries after a school district general election. The board shall hold a public hearing on the proposed resolution before its adoption. One week's published notice of the hearing must be given. ~~Within six months~~ After the official certification of ~~each~~ the federal decennial or special census, the school board shall either confirm the existing election district boundaries as conforming to the standards of subdivision 4 or redefine election district boundaries to conform to those standards as provided in section 204B.135, subdivision 2. If the school board fails to take either action within the time required, no further compensation may be paid to the school board members until the districts are either reconfirmed or redefined as required by this section. A resolution establishing ~~original or new~~ election district boundaries ~~apply to the first election held at least six months after pursuant to section 204B.135, subdivision 2,~~ becomes effective on the date of the state primary election in the year ending in two. Election district boundaries established at other times become effective 90 days after the adoption of the resolution.

Sec. 40. Minnesota Statutes 1990, section 375.025, subdivision 2, is amended to read:

Subd. 2. **VOTERS RIGHTS.** Any qualified voter may apply to the district court of the county for a writ of mandamus (a) requiring the county to be redistricted if the county board has not redistricted the county within the time specified in subdivision 1, or (b) to revise ~~any arbitrary action or abuse of discretion by the county board in redistricting the county~~ the redistricting plan. Any application for revision of a redistricting plan filed with the county auditor more than 15 weeks before the state primary in a year ending in two that seeks to affect elections held in a year ending in two must be filed with the district court within three weeks but no later than 14 weeks before the state primary in the year ending in two. If a plan for redistricting a county is filed less than 14 weeks before the state primary in a year ending in two, any application for revision of the plan that seeks to affect an election in the year ending in two shall be filed with the district court within 30 days after the filing of the redistricting plan with within one week after the plan has been filed with the county auditor. The dis-

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trict court may direct the county board to show cause why it has not redistricted the county or why the redistricting plan prepared by it should not be revised. On hearing the matter it may allow the county board additional time in which to redistrict the county or to correct errors in the redistricting plan. If it appears to the court that the county board has not been sufficiently diligent in performing its redistricting duties, the court may appoint a redistricting commission to redistrict the county in accordance with the standards set forth in subdivision 1 and any other conditions the court shall deem advisable and appropriate. If a redistricting commission is appointed, the county board shall be without authority to redistrict the county.

Sec. 41. Minnesota Statutes 1990, section 375.025, subdivision 4, is amended to read:

Subd. 4. **REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.** A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. A redistricting plan shall be effective on the 31st day after filing unless a later effective date is specified but no plan shall be effective for the next election of county commissioners unless the plan is filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, is a resident of the district. A person elected may hold the office only while remaining a resident of the commissioner district. The county board or the redistricting commission shall determine the number of members of the county board who shall be elected for two-year terms and for four-year terms to provide staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts at the next general election except that if the change made in the boundaries of a district is less than ~~ten~~ five percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which elected.

Sec. 42. **APPROPRIATION.**

\$14,000 is appropriated from the general fund to the secretary of state to implement and administer sections 1 to 15. This appropriation is available for the biennium ending June 30, 1993.

Sec. 43. **EFFECTIVE DATE.**

Section 1 is effective retroactively to August 8, 1985. Section 21 is effective retroactively to May 6, 1990.

Presented to the governor May 31, 1991

Became law without the governor's signature June 5, 1991

[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]

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