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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **304**

01/24/2019 Authored by Franson

The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act

1.2 relating to state government; restricting certain political activities of state

1.3 constitutional officers and employees; regulating the content of websites and

1.4 publications during certain periods; amending Minnesota Statutes 2018, sections

1.5 10.60, subdivision 4; 43A.32, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2018, section 10.60, subdivision 4, is amended to read:

1.8 Subd. 4. **Permitted material.** (a) Material specified in this subdivision may be included

1.9 on a website or in a publication, but only if the material complies with subdivision 2. This

1.10 subdivision is not a comprehensive list of material that may be contained on a website or

1.11 in a publication, if the material complies with subdivision 2.

1.12 (b) A website or publication may include biographical information about an elected or

1.13 appointed official, and a single official photograph of the official, and. Except during the

1.14 period beginning 60 days after adjournment sine die of the legislature in an even-numbered

1.15 year and ending the day after the state general election in that year, a website or publication

1.16 may also contain photographs of the official performing functions related to the office.

1.17 There is no limitation on photographs, webcasts, archives of webcasts, and audio or video

1.18 files that facilitate access to information or services or inform the public about the duties

1.19 and obligations of the office or that are intended to promote trade or tourism. Except during

1.20 the period beginning 60 days after adjournment sine die of the legislature in an

1.21 even-numbered year and ending the day after the state general election in that year, a state

1.22 website or publication may include photographs or information involving civic or charitable

1.23 work done by the governor's spouse, provided that these activities relate to the functions of

1.24 the governor's office.

(c) A website or publication may include press releases, proposals, policy positions, and other information directly related to the legal functions, duties, and jurisdiction of a public official or organization.

(d) The election-related website maintained by the Office of the Secretary of State shall provide links to:

(1) the campaign website of any candidate for legislative, constitutional, judicial, or federal office who requests or whose campaign committee requests such a link and provides in writing a valid URL address to the Office of the Secretary of State; and

(2) the website of any individual or group advocating for or against or providing neutral information with respect to any ballot question, where the individual or group requests such a link and provides in writing a valid website address and valid e-mail address to the Office of the Secretary of State.

These links must be provided on the election-related website maintained by the Office of the Secretary of State from the opening of filing for the office in question until the business day following the day on which the State Canvassing Board has declared the results of the state general election, or November 30 of the year in which the election has taken place, whichever date is earlier. The link must be activated on the election-related website maintained by the Office of the Secretary of State within two business days of receipt of the request from a qualified candidate or committee.

Sec. 2. Minnesota Statutes 2018, section 43A.32, subdivision 1, is amended to read:

Subdivision 1. **Prohibition.** (a) No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes engage in political activity, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.

(b) As used in this subdivision, "political activity" means any activity intended to influence, directly or indirectly, voting at a federal, state, or local election and includes, but is not limited to:

(1) engaging in any of the following activity on behalf of a candidate, committee, or political party unit:

(i) soliciting or receiving contributions;

(ii) recording contribution receipts;

- 3.1 (iii) sending contribution thank-you notes or contribution receipt forms to contributors;
3.2 or
3.3 (iv) preparing reports required to be filed under chapter 10A, chapter 211A, or applicable
3.4 federal law;
- 3.5 (2) design or production of campaign material for an election;
3.6 (3) participating in campaign planning or training for candidates; or
3.7 (4) preparing a written campaign plan for a candidate.
- 3.8 (c) A constitutional officer, and any employee in the unclassified service serving in the
3.9 executive offices of a constitutional officer, may not prepare or distribute, or assist in the
3.10 preparation or distribution of, newsletters, questionnaires, or other mass mailings, or
3.11 individualized letters of congratulations during the period beginning 60 days after
3.12 adjournment sine die of the legislature in an even-numbered year and ending the day after
3.13 the state general election in that year. A constitutional officer or employee subject to the
3.14 restrictions provided by this paragraph may not circumvent those restrictions by directing
3.15 other employees to engage in a prohibited activity on the constitutional officer or employee's
3.16 behalf.
- 3.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.