

TWENTY-FIRST DAY

St. Paul, Minnesota, Tuesday, March 5, 2013

The Senate met at 3:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Lonnie Titus.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Anderson	Eaton	Ingebrigtsen	Nelson	Sieben
Bakk	Eken	Jensen	Newman	Sparks
Bonoff	Fischbach	Johnson	Nienow	Stumpf
Carlson	Franzen	Kent	Pappas	Thompson
Chamberlain	Gazelka	Kiffmeyer	Petersen, B.	Tomassoni
Champion	Goodwin	Koenen	Pratt	Torres Ray
Clausen	Hann	Limmer	Reinert	Weber
Dahle	Hawj	Lourey	Ruud	Westrom
Dahms	Hayden	Marty	Scalze	Wiger
Dibble	Hoffman	Metzen	Schmit	Wiklund
Dziedzic	Housley	Miller	Sheran	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 5.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 4, 2013

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 5: A bill for an act relating to commerce; establishing the Minnesota Insurance Marketplace; prescribing its powers and duties; prohibiting abortion coverage with certain exemptions; recognizing the right to a person's physician of choice; establishing the right not to participate; specifying open meeting requirements and data practices procedures; appropriating money; amending Minnesota Statutes 2012, section 13.7191, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 62V.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1, now on General Orders.

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 165: A bill for an act relating to human services; increasing the cash portion of the Minnesota family investment program transitional standard; amending Minnesota Statutes 2012, section 256J.24, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 245: A bill for an act relating to human services; repealing the MFIP family cap; repealing Minnesota Statutes 2012, section 256J.24, subdivision 6.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 704: A bill for an act relating to human services; establishing a child protection screening work group for the purpose of establishing consistency in child protection screening; requiring a report; amending Minnesota Statutes 2012, section 626.556, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 27, after "chairs" insert "and ranking minority members"

Page 4, after line 30, insert:

"Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 706: A bill for an act relating to human services; modifying pilot programs for health care delivery networks; amending Minnesota Statutes 2012, section 256B.0756.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after the period, insert "The commissioner may designate additional individuals to enroll in the Hennepin County pilot program by geographic area or based on enrollment in other county programs or who would benefit from an integrated county service model."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 772: A bill for an act relating to transportation; modifying the sign franchise program; making changes to the trunk highway emergency relief account; modifying requirements for variances from rules and engineering standards for the county state-aid highway and municipal state-aid street systems; amending a definition in the formula for apportionment to cities; modifying the public transit participation program; updating railroad crossing warning sign requirements; making conforming changes to medical waiver requirements for intrastate motor carrier drivers; amending Minnesota Statutes 2012, sections 160.80, subdivisions 1, 1a, 2; 161.04, subdivision 5; 162.02, subdivision 3a; 162.09, subdivision 3a; 162.13, subdivision 2; 174.24, subdivision 5a; 219.17; 219.18; 219.20; 221.0314, subdivisions 2, 3a; repealing Minnesota Statutes 2012, section 174.24, subdivision 5; Minnesota Rules, part 8820.3300, subpart 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 802: A bill for an act relating to transportation; highways; amending certain legislative routes of the trunk highway system; removing certain legislative routes from the trunk highway system; amending Minnesota Statutes 2012, section 161.115, subdivision 229, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 590: A bill for an act relating to transportation; mass transit; establishing skyway access requirements for the Central Station on the Central Corridor light rail transit line.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 779: A bill for an act relating to transportation; highways; modifying the special account for I-394 parking facilities; amending Minnesota Statutes 2012, section 161.1231, subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 692: A bill for an act relating to transportation; highways; requiring placement of sign on marked Trunk Highway 52.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Bakk from the Committee on Rules and Administration, to which was re-referred

S.F. No. 53: A bill for an act relating to taxes; creating a Tax Expenditure Advisory Commission; providing for review and sunset of tax expenditures; proposing coding for new law as Minnesota Statutes, chapter 290D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 1, delete "Seven" and insert "Eight"

Page 3, line 3, delete "seven" and insert "eight"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Bakk from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03,

S.F. No. 715: A bill for an act relating to education; postsecondary; establishing the governor's budget for higher education; appropriating money to the Office of Higher Education, the Board of Trustees of the Minnesota State Colleges and Universities, the Board of Regents of the University of Minnesota, and the Mayo Clinic; making technical changes; amending Minnesota Statutes 2012, sections 136A.121, subdivisions 2, 5; 136A.125, subdivisions 2, 4; 136A.126, subdivision 1; 136A.131, by adding a subdivision; 136A.233, subdivision 2; repealing Minnesota Rules, part 4830.0100, subpart 5, item F.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Higher Education and Workforce Development. Report adopted.

Senator Bakk from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03,

S.F. No. 845: A bill for an act relating to agriculture; establishing the governor's budget for agriculture; appropriating money to the Department of Agriculture, the Board of Animal Health, and the Agricultural Utilization Research Institute; modifying provisions related to animal waste technicians; making technical changes; amending Minnesota Statutes 2012, sections 17.03, subdivision 3; 17.1015; 18C.430; 18C.433, subdivision 1.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Jobs, Agriculture and Rural Development. Report adopted.

Senator Bakk from the Committee on Rules and Administration, to which was referred

S.F. No. 677: A bill for an act relating to elections; requiring training for polling place challengers; imposing additional requirements on polling place challengers; amending Minnesota Statutes 2012, section 204C.07, subdivisions 1, 2, 4, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1
REDISTRICTING**

Section 1. **[2.395] THIRTY-NINTH DISTRICT.**

Subdivision 1. **Senate district.** Senate District 39 consists of that district as described in the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012), Senate District 39, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 39A consists of that district as described in file L39A-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

(b) House of Representatives District 39B consists of that district as described in file L39B-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

Sec. 2. **[2.495] FORTY-NINTH DISTRICT.**

Subdivision 1. **Senate district.** Senate District 49 consists of that district as described in the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012), Senate District 49 is divided into two house of representatives districts as follows:

(a) House of Representatives District 49A consists of the district as described in that order, with the modification contained in file L49A-2, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 28, 2012.

(b) House of Representatives District 49B consists of the district as described in that order, with the modification contained in file L49B-2, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 28, 2012.

Sec. 3. **REPEALER.**

Minnesota Statutes 2012, sections 2.444; and 2.484, are repealed.

Sec. 4. **EFFECTIVE DATE.**

This article is effective for the state primary and state general elections conducted in 2014 for terms of office beginning on the first Monday in January of 2015, and for all elections held thereafter.

ARTICLE 2

EARLY VOTING

Section 1. Minnesota Statutes 2012, section 201.022, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;

(11) provide access to municipal clerks to use the system;

(12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;

(13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~

(14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and

(15) provide reports necessary for early voting.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 2. Minnesota Statutes 2012, section 203B.001, is amended to read:

203B.001 ELECTION LAW APPLICABILITY.

The Minnesota Election Law is applicable to voting by absentee ballot and early voting unless otherwise provided in this chapter.

Sec. 3. Minnesota Statutes 2012, section 203B.01, is amended by adding a subdivision to read:

Subd. 5. **Early voting.** "Early voting" means voting in person before election day at the office of the county auditor or designated municipal clerk within the time period provided in section 203B.31.

Sec. 4. Minnesota Statutes 2012, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 8:00 a.m. to 12:00 noon on the day immediately preceding a federal, state, or county election, unless that day falls on a Sunday. When performing the duties of the county auditor in an election not held in conjunction with a federal, state, or county election, the clerk's office must be open from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 5. Minnesota Statutes 2012, section 203B.121, subdivision 1, is amended to read:

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots or to administer early voting must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Sec. 6. Minnesota Statutes 2012, section 203B.121, is amended by adding a subdivision to read:

Subd. 2a. **Duties of ballot board; early voting.** The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35, and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 4 and 5.

Sec. 7. Minnesota Statutes 2012, section 203B.121, subdivision 3, is amended to read:

Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter. A voter whose record indicates that the voter has cast an early ballot must not be permitted to cast another ballot in that election. After the close of business on the fourth day before the election day prior to the beginning of the early voting period as provided in section 203B.31, a voter whose record indicates that an absentee ballot has been accepted or cast must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal or state, or county office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of absentee and early voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

- (1) by the county auditor or municipal clerk before election day;
- (2) by the ballot board before election day; or
- (3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the fourth day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Sec. 8. Minnesota Statutes 2012, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the fourth day before the election day prior to the beginning of the early voting period as provided in section 203B.31, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Sec. 9. **[203B.30] EARLY VOTING.**

Any eligible voter may vote in person before election day in the manner provided in sections 203B.31 to 203B.35.

Sec. 10. **[203B.31] TIME PERIOD FOR EARLY VOTING.**

Early voting must be available to any eligible voter as provided in section 203B.32 for every primary, general, and special election for federal, state, or county office from 15 days before the election through 5:00 p.m. on the third day before the election. All voters in line at 5:00 p.m. on the third day before the election must be allowed to vote in the same manner as provided in section 204C.05, subdivision 2.

Sec. 11. **[203B.32] HOURS FOR EARLY VOTING.**

Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each weekday during the time period provided in section 203B.31, from 8:00 a.m. to 8:00 p.m. on at least one weekday, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays before the election.

Sec. 12. **[203B.33] LOCATIONS FOR EARLY VOTING.**

(a) Early voting must be made available at polling places designated in the county auditor's offices in county-owned or operated buildings and at the municipal clerk's office in every municipality that has been delegated the responsibility to administer absentee voting as provided in section 203B.05. At least one voting station and one ballot marking device for disabled voters must be made available in each polling place.

(b) The county auditor must make an electronic ballot counter available in each polling place.

Sec. 13. **[203B.34] NOTICE TO VOTERS.**

The county auditor must prepare a notice to the voters of the days, times, and locations for early voting. This notice must be posted on the county's Web site and the Web site for each municipality in the county where an early voting location is designated for the election at least 14 days before the first day for early voting. If a county or municipality does not have a Web site, the county auditor or municipal clerk must publish the notice at least once in the jurisdiction's official newspaper at least seven days and not more than 14 days before the first day for early voting.

Sec. 14. **[203B.35] PROCEDURES FOR EARLY VOTING.**

Subdivision 1. **Voting procedure.** Each voter shall sign the certification provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3.

After the voter has signed the certification, a member of the ballot board must provide a ballot to the voter. Ballots must be prepared and distributed by members of the ballot board in the manner provided in section 204C.09. The voter must mark the ballot and deposit it in a precinct voting system. A voter may not leave the polling place with the ballot.

Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35 must be processed and counted by a ballot board.

Sec. 15. Minnesota Statutes 2012, section 204B.28, subdivision 2, is amended to read:

Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as otherwise provided for absentee ballots in this section and in section 204B.35, subdivision 4, the county auditor shall complete the preparation of the election materials for which the auditor is responsible at least four days before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than four days before the election each municipal clerk shall secure from the county auditor:

(a) (1) the forms that are required for the conduct of the election;

(b) (2) any printed voter instruction materials furnished by the secretary of state;

(c) (3) any other instructions for election officers; and

(d) (4) a sufficient quantity of the official ballots, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota Election Law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.

(b) The county auditor must prepare and make available election materials for early voting to city clerks designed to administer early voting under section 203B.05 at least one day prior to the beginning of the early voting period as provided in section 203B.31.

Sec. 16. Minnesota Statutes 2012, section 206.82, subdivision 1, is amended to read:

Subdivision 1. **Program.** A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least 27 days prior to the election. The secretary of state shall adopt rules further specifying test procedures.

Sec. 17. Minnesota Statutes 2012, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

Within ~~14~~ 22 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 18. **APPROPRIATION.**

\$...... is appropriated in fiscal year 2014 from the general fund to the secretary of state to implement this article.

Sec. 19. **EFFECTIVE DATE; APPLICABILITY.**

The provisions of this article related to early voting are effective when the secretary of state has certified that:

(1) the statewide voter registration system has been tested and shown to properly allow for the tracking of the information required to conduct early voting, and can handle the expected volume of use; and

(2) precinct voting equipment that can tabulate at least 30 different ballot styles has been certified for use in this state. Upon certification pursuant to this section, the provisions of this article related to early voting apply to all federal, state, and county elections held on August 1, 2014, and thereafter. A jurisdiction may implement the requirements of this article prior to the date provided in this section, if the secretary of state has made the required certifications at least 90 days prior to the date of the election at which early voting will be used.

ARTICLE 3

ABSENTEE VOTING

Section 1. Minnesota Statutes 2012, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. **Unable to go to polling place Absentee voting; eligibility.** (a) Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness, including isolation or quarantine under sections 144.419 to 144.4196 or United States Code, title 42, sections 264 to 272; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

(b) If the governor has declared an emergency and filed the declaration with the secretary of state under section 12.31, and the declaration states that the emergency has made it difficult for voters to go to the polling place on election day, any voter in a precinct covered by the declaration may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 2. Minnesota Statutes 2012, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. **Violation.** No individual shall intentionally:

- (a) (1) make or sign any false certificate or oath required by this chapter;
- (b) (2) make any false or untrue statement in any application or request for absentee ballots;
- (c) (3) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
- (d) (4) exhibit a ballot marked by that individual to any other individual;
- (e) (5) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;
- (f) (6) use information from absentee ballot or early voting materials or records for purposes unrelated to elections, political activities, or law enforcement;
- (g) (7) provide assistance to an absentee or early voter except in the manner provided by section 204C.15, subdivision 1;

(h) (8) solicit the vote of an absentee or early voter while in the immediate presence of the voter during the time the individual knows the absentee or early voter is voting; or

(i) (9) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.

Before inspecting information from absentee ballot or early voting materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 3. Minnesota Statutes 2012, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(1) the county auditor of the county where the applicant maintains residence; or

(2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, date of birth, and at least one of the following:

(1) the applicant's Minnesota driver's license number;

(2) Minnesota state identification card number;

(3) the last four digits of the applicant's Social Security number; or

(4) a statement that the applicant does not have any of these numbers.

(c) To be approved, the application must state that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02, and must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.

(d) An applicant's full date of birth, Minnesota driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

(e) An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 4. Minnesota Statutes 2012, section 203B.04, subdivision 5, is amended to read:

Subd. 5. **Permanent illness or disability absentee voter status.** (a) An eligible voter ~~who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability~~ may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record.

(b) A voter who applies under paragraph (a), must automatically be provided an absentee ballot for each eligible election. Ballots sent in accordance with this section must be sent by nonforwardable mail. A voter's permanent absentee status ends and automatic ballot delivery must be terminated on:

(1) the voter's written request;

(2) the voter's death;

(3) return of a permanent absentee ballot as undeliverable; or

(4) a change in the voter's status to "challenged" or "inactive" in the statewide voter registration system.

(c) The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 5. Minnesota Statutes 2012, section 203B.06, subdivision 1, is amended to read:

Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to section 203B.04. ~~Blank application forms must be mailed to eligible voters who have requested an application pursuant to section 203B.04, subdivision 5 or 6, at least 60 days before:~~

~~(1) each regularly scheduled primary for federal, state, county, city, or school board office;~~

~~(2) each regularly scheduled general election for city or school board office for which a primary is not held; and~~

~~(3) a special primary to fill a federal or county office vacancy or special election to fill a federal or county office vacancy, if a primary is not required to be held pursuant to section 204D.03, subdivision 3, or 204D.07, subdivision 3; and~~

~~(4) any election held in conjunction with an election described in clauses (1) to (3);~~

~~or at least 45 days before any other primary or other election for which a primary is not held.~~

Sec. 6. Minnesota Statutes 2012, section 203B.065, is amended to read:

203B.065 USING THE REGISTRATION SYSTEM.

(a) Upon accepting an application for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system the voter's name, date

of birth, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security number, if provided by the voter. Upon acceptance of an absentee ballot application of a voter who is registered to vote at an address different from the residential address certified on the absentee ballot application, the voter registration record with the previous address shall be challenged. Once the absentee ballot has been transmitted to the voter, the method of transmission and the date of transmission must be recorded.

(b) Upon receipt of a returned absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system that the voter has returned the ballot.

(c) Upon receipt of notice that the ballot board has accepted or rejected the absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system whether the ballot was accepted or rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to the voter, the county auditor or municipal clerk shall record this in the statewide voter registration system.

(d) The labels provided for envelopes used for transmitting an absentee ballot to and from an applicant for an absentee ballot for a state primary or state general election must contain bar codes generated by the statewide voter registration system to facilitate the recording required under this section. A county auditor or municipal clerk entering information into the statewide voter registration system under this section must include the information provided on the bar code label whenever information is entered into the system.

Sec. 7. EXPLANATION OF ABSENTEE BALLOT CHANGES; COUNTY AUDITOR DUTIES.

No later than 60 days prior to the date of the state primary in 2014, each county auditor shall mail an explanation of the changes to the permanent absentee balloting process and an updated permanent absentee voter application to every voter with permanent absentee ballot status in the county auditor's county. Each county auditor shall also mail this explanation to every voter in the county auditor's county with ongoing absentee ballot status on the voter's voter record as of the effective date of this article. A voter must return the application to maintain the voter's status as a permanent absentee voter.

Upon receipt of a completed application, the county auditor shall scan and retain an image of the application until the permanent absentee voter's status ends.

Sec. 8. REPEALER.

Minnesota Statutes 2012, section 203B.04, subdivision 6, is repealed.

Sec. 9. EFFECTIVE DATE.

This article is effective January 1, 2014, and applies to voting at elections conducted on the date of the state primary in 2014 and thereafter.

ARTICLE 4

VACANCIES IN NOMINATION

Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. ~~Death or withdrawal~~ **Partisan office.** (a) A vacancy in nomination may for a partisan office must be filled in the manner provided by this section. A vacancy in nomination exists for a partisan office when: (1) a major political party candidate or nonpartisan candidate who was nominated at a primary dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 2a; or (2) a candidate for a nonpartisan office, for which one or two candidates filed, who has been nominated in accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:

(1) dies;

(2) withdraws as provided in section 204B.12, subdivision 1; or

(3) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least one day prior to the general election with the same official who received the affidavit of candidacy.

(b) An affidavit of withdrawal filed under paragraph (a), clause (3), must state that the candidate has been diagnosed with a catastrophic illness that will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought, if elected. The affidavit must be accompanied by a certificate verifying the candidate's illness meets the requirements of this paragraph, signed by at least two licensed physicians. The affidavit and certificate may be filed by the candidate or the candidate's legal guardian.

Sec. 2. Minnesota Statutes 2012, section 204B.13, subdivision 2, is amended to read:

Subd. 2. **Partisan office; nomination by party; special election.** (a) A vacancy in nomination for partisan office shall be filled as provided in this subdivision. Except as provided in subdivision 5, a major political party has the authority to may fill a vacancy in nomination of that party's candidate as defined in subdivision 1, clause (1) or (3) by filing a one nomination certificate with the same official who received the affidavits of candidacy for that office.

(b) A major political party may provide in its governing rules a procedure, including designation of an appropriate committee, to fill vacancies a vacancy in nomination for all offices elected statewide any federal or state partisan office. The nomination certificate shall be prepared under the direction of and executed by the chair and secretary of the political party and filed within seven days after the vacancy in nomination occurs or before the 14th day before the general election, whichever is sooner. If the vacancy in nomination occurs through the candidate's death or catastrophic illness, the nomination certificate must be filed within seven days after the vacancy in nomination occurs but no later than four days before the general election the timelines established in this section. When filing the certificate the chair and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected under the rules of the party and that the individuals signing the certificate and making the affidavit are the chair and secretary of the party.

(b) In the case of a vacancy in nomination for partisan office that occurs on or before the 79th day before the general election, the major political party must file the nomination certificate no later than 71 days before the general election. The name of the candidate nominated by the party must appear on the general election ballot.

(c) Except as provided in subdivision 5, in the case of a vacancy in nomination for a partisan office that occurs after the 79th day before the general election, the general election ballot shall remain unchanged, but the county and state canvassing boards must not certify the vote totals for that office from the general election, and the office must be filled at a special election held in accordance

with this section. Except for the vacancy in nomination, all other candidates whose names appeared on the general election ballot for the office must appear on the special election ballot for the office. New affidavits of candidacy or nominating petitions may not be accepted, and there must not be a primary to fill the vacancy in nomination. The major political party may file a nomination certificate as provided in paragraph (a), no later than seven days after the general election. On the date of the general election, the county auditor or municipal clerk shall post a notice in each precinct affected by a vacancy in nomination under this paragraph, informing voters of the statutory reason for the vacancy in nomination as provided in subdivision 1, paragraph (a), clauses (1) and (3), and the procedures for filling the vacancy in nomination and conducting a special election as required by this section. The secretary of state shall prepare and electronically distribute the notice to county auditors in each county affected by a vacancy in nomination.

Sec. 3. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 2a. **Partisan office; filing period.** A vacancy in nomination for a partisan office due to a withdrawal of a candidate under section 204B.12, subdivision 1, may be filled in the manner provided in sections 204B.06, 204B.09, and 204B.11, except that all documents and fees required by those sections must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If there is more than one candidate at the end of the withdrawal period to fill the vacancy in nomination, the candidates' names must appear on the primary ballot. Otherwise, the candidate's name must appear on the general election ballot.

Sec. 4. Minnesota Statutes 2012, section 204B.13, subdivision 5, is amended to read:

Subd. 5. **Candidates for governor and lieutenant governor.** (a) If a vacancy in nomination for a major political party occurs in the race for governor, the political party must nominate the candidates for both governor and lieutenant governor. If a vacancy in nomination for a major political party occurs in the race for lieutenant governor, the candidate for governor determined under this section shall select the candidate for lieutenant governor. If a vacancy in nomination occurs in the race for lieutenant governor, due to a vacancy in nomination for governor or due to the withdrawal or death of the candidate for lieutenant governor, the candidate for governor shall select the candidate for lieutenant governor as provided in this subdivision.

(b) For a vacancy in nomination for lieutenant governor that occurs on or before the 16th 79th day before the general election, the name of the lieutenant governor candidate must be submitted by the governor candidate to the filing officer within seven days after the vacancy occurs, or before the 14th day before the general election, whichever is sooner no later than 71 days before the general election. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for lieutenant governor occurs after the 79th day before the general election, the candidate for governor shall submit the name of the new lieutenant governor candidate to the secretary of state within seven days after the vacancy in nomination occurs but no later than four days before the general election. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for governor, the new candidate for governor shall submit the name of the lieutenant governor candidate within seven days after the vacancy in nomination for governor is filled under section 204B.13, subdivision 2, but no later than four days before the general election. occurs, but no changes may be made to the general election ballots.

(c) When a vacancy in nomination for lieutenant governor occurs after the 79th day before the general election, the county auditor or municipal clerk shall post a notice in each precinct affected by the vacancy in nomination. The secretary of state shall prepare and electronically distribute the notice to county auditors. The county auditor must ensure that each precinct in the county receives the notice prior to the opening of the polls on election day. The notice must include:

(1) a statement that there is a vacancy in nomination for lieutenant governor and the statutory reason for the vacancy in nomination as provided in subdivision 1, paragraph (a), clauses (1) and (3);

(2) a statement that the results for the governor and lieutenant governor will be counted and that no special election will be held for that race; and

(3) a list of all candidates in the governor and lieutenant governor's race, listed in order of the base rotation. The listing of candidates shall include the name of the candidate to fill the vacancy in nomination for lieutenant governor. If the name of the candidate has not yet been named, then the list must include the date by which the candidate will be named.

Sec. 5. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 7. **Date of special election.** If a special election is required under this section, the governor shall issue a writ calling for a special election to be conducted on the second Tuesday in February of the year following the year the vacancy in nomination occurred. Except where otherwise provided in this section, the writ shall be issued and the special election conducted according to the requirements of sections 204D.22 to 204D.27.

Sec. 6. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 8. **Absentee voters.** At least 46 days, but no more than 50 days, before a special election conducted under this section, the county auditor shall transmit an absentee ballot for the special election to each applicant for an absentee ballot whose application for an absentee ballot for the preceding general election was recorded under section 203B.04 or 203B.17. New applicants for an absentee ballot may be provided a ballot in the manner specified in chapter 203B.

Sec. 7. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 9. **Appropriation.** In the case of a statewide special election under this section, the amount necessary is appropriated from the general fund to the secretary of state to cover costs incurred by the state, county, and municipal governments to conduct the special election.

Sec. 8. **[204B.131] VACANCY IN NOMINATION; NONPARTISAN OFFICE.**

Subdivision 1. **Applicability.** A vacancy in nomination for a nonpartisan office must be filled in the manner provided by this section. A vacancy in nomination for a nonpartisan office exists when:

(1) a candidate for any nonpartisan office, for which one or two candidates filed, withdraws as provided in section 204B.12, subdivision 1; or

(2) a candidate for any nonjudicial nonpartisan office, for which only one or two candidates filed or who was nominated at a primary, dies more than 79 days before the date of the general election.

Subd. 2. **Procedure for filling vacancy.** A vacancy in nomination for a nonpartisan office may be filled by filing an affidavit of candidacy and paying a filing fee, or by filing an affidavit of candidacy

and filing a petition in place of a filing fee, in the manner provided in sections 204B.06, 204B.09, and 204B.11. All documents and fees required by this subdivision must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If the vacancy in nomination resulted from a withdrawal during the withdrawal period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal period to fill the vacancy in nomination, there are more than two candidates, the candidates' names must appear on the primary ballot. In all other cases, the candidates' names must appear on the general election ballot.

Sec. 9. Minnesota Statutes 2012, section 204D.19, is amended by adding a subdivision to read:

Subd. 6. **Writ when vacancy results from vacancy in nomination.** If a vacancy in office is due to a vacancy in nomination under section 204B.13, the governor shall issue a writ in the manner provided in that section.

Sec. 10. **REPEALER.**

Minnesota Statutes 2012, sections 204B.12, subdivision 2a; and 204B.13, subdivisions 4 and 6, are repealed.

Sec. 11. **EFFECTIVE DATE.**

This article is effective the day following final enactment and applies to vacancies in nomination occurring on or after that date.

ARTICLE 5

ELECTION ADMINISTRATION

Section 1. Minnesota Statutes 2012, section 103C.225, subdivision 3, is amended to read:

Subd. 3. **Referendum.** ~~(a) Within 60 days after the petition is received by the state board, it shall give due notice of the holding of a referendum, schedule the referendum at the next general election, and cooperate with county election officials to accomplish the election in the most expedient manner. Upon receipt of a petition, the state board shall provide written notice to the secretary of state and the county auditor of each county in which the district is located no later than 74 days before the state general election. The notice must include the date of the election and the title and text of the question to be placed on the ballot. Prior to the referendum, the state board shall facilitate the preparation of a plan to continue the administration of the powers, duties, and responsibilities of the district, including the functions of the district board.~~

~~(b) The question shall be submitted by ballots, upon which the words "For terminating the existence of _____ (name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the _____ (name of the soil and water conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other be terminated?"~~

(c) Only eligible voters in the district may vote in the referendum.

(d) Informalities in the conduct of the referendum or matters relating to the referendum do not invalidate the referendum, or result of the referendum, if due notice has been given and the referendum has been fairly conducted.

(e) The state board shall publish the result of the referendum.

Sec. 2. Minnesota Statutes 2012, section 103C.305, subdivision 3, is amended to read:

Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the ~~"canary ballot" described in section 204D.11, subdivision 3~~ state general election ballot. The office title printed on the ballot must be either "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor," based upon the district from which the supervisor is to be elected.

Sec. 3. Minnesota Statutes 2012, section 103C.311, subdivision 2, is amended to read:

Subd. 2. **Supervisors elected by districts.** (a) The district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state at least 30 days before the first date candidates may file for the office of supervisor, and the filings must occur within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in a year ending in two, whichever comes first.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term.

Sec. 4. Minnesota Statutes 2012, section 201.071, subdivision 2, is amended to read:

Subd. 2. **Instructions.** A registration application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and disabled individuals and residents of health care facilities and hospitals. The instructions must indicate that if the voter does not have a valid Minnesota driver's license or identification card, the last four digits of the voter's Social Security number must be provided, unless the voter does not have a

Social Security number. If, prior to election day, a person requests the instructions in Braille, ~~on cassette tape~~ audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and ~~cassette~~ audio copies and make them available.

Sec. 5. Minnesota Statutes 2012, section 201.091, subdivision 8, is amended to read:

Subd. 8. **Registration places.** Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. ~~At least one public building must be designated for each 30,000 residents of the county. At least one telecommunications device for the deaf must be available for voter registration information in each county seat and in every city of the first, second, and third class.~~

An adequate supply of registration applications and instructions must be maintained at each designated location, and a designated individual must be available there to accept registration applications and transmit them to the county auditor.

A person who, because of disability, needs assistance in order to determine eligibility or to register must be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

Sec. 6. Minnesota Statutes 2012, section 201.12, subdivision 3, is amended to read:

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship, the county auditor must not mail this notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Sec. 7. Minnesota Statutes 2012, section 201.13, subdivision 1a, is amended to read:

Subd. 1a. **Social Security Administration; other reports of deceased residents.** The secretary of state shall determine if any of the persons ~~listed on either the Social Security Death Index or reported as deceased by the vital records department of another state~~ are registered to vote and prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Sec. 8. Minnesota Statutes 2012, section 201.14, is amended to read:

201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT CHANGES OF NAMES.

The state court administrator shall regularly report by electronic means to the secretary of state the name, address, and, if available, driver's license or state identification card number of each individual, 18 years of age or over, whose name was changed since the last report, by marriage,

divorce, or any order or decree of the court. The secretary of state shall determine if any of the persons in the report are registered to vote under their previous name and shall prepare a list of those registrants for each county auditor. Upon receipt of the list, the county auditor shall make the change in the voter's record and mail to the voter the notice of registration required by section 201.121, subdivision 2. A notice must not be mailed if the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship.

Sec. 9. Minnesota Statutes 2012, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** (a) In every state general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

(b)(1) The chairs of the two largest major political parties shall jointly submit to the secretary of state, no later than March 1 of each odd-numbered year, the single date on which the two parties have agreed to conduct their precinct caucuses in the next even-numbered year.

(2) ~~On March 1 of each odd-numbered year~~ Within two business days after the parties have agreed on a single date on which to conduct their precinct caucuses, the secretary of state shall publicly announce the official state precinct caucus date for the following general election year.

(3) If the chairs of the two largest major political parties do not jointly submit a single date for conducting their precinct caucuses as provided in this paragraph, then for purposes of the next general election year, the first Tuesday in February shall be considered the day of a major political party precinct caucus and sections 202A.19 and 202A.192 shall only apply on that date.

(4) For purposes of this paragraph, the two largest major political parties shall be the parties whose candidates for governor received the greatest and second greatest number of votes at the most recent gubernatorial election.

(c) 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 consultation 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. 10. Minnesota Statutes 2012, section 203B.05, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the provisions of sections 203B.04 to 203B.15 if:

- (1) the county auditor of that county has designated the clerk to administer them; or
- (2) the clerk has given the county auditor of that county notice of intention to administer them.

The designation or notice must specify whether the clerk will be responsible for the administration of a ballot board as provided in section 203B.121.

A clerk of a city that is located in more than one county may only administer the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35, if the clerk has been designated by each of the county auditors or has provided notice to each of the county auditors that the city will administer absentee voting. A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training. The county auditor must notify the secretary of state of any municipal clerk who will be administering the provisions of this section and the duties that the clerk will administer.

Sec. 11. Minnesota Statutes 2012, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots received on election day either (1) after 3:00 p.m., if delivered by an agent; or (2) after the last mail delivery, if delivered by another method, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Sec. 12. Minnesota Statutes 2012, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before: the election, except as provided in this subdivision.

- ~~(1) a regularly scheduled election for federal, state, county, city, or school board office;~~
- ~~(2) a special election for a federal or county office; and~~
- ~~(3) an election held in conjunction with an election described in clauses (1) and (2);~~

~~and~~ Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before any other the election, except that an eligible voter may not vote by absentee ballot in person during the period designated for early voting, as provided in section 203B.31. The county auditor shall make such designations at least 14 weeks before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 13. Minnesota Statutes 2012, section 203B.121, subdivision 5, is amended to read:

Subd. 5. **Storage and counting of absentee and early voting ballots.** (a) On a day on which absentee or early voting ballots are inserted into a ballot box, two members of the ballot board must:

(1) remove the ballots from the ballot box at the end of the day;

(2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters who cast early votes and whose absentee ballots were accepted or cast that day; and

(3) seal and secure all voted and unvoted ballots present in that location at the end of the day.

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count shall be public. No vote totals from ballots may be made public before the close of voting on election day must be recorded on a summary statement in substantially the same format as provided in section 204C.26. The ballot board shall submit at least one completed summary statement to the county auditor or municipal clerk. The county auditor or municipal clerk may require the ballot board to submit a sufficient number of completed summary statements to comply with the provisions of section 204C.27, or the county auditor or municipal clerk may certify reports containing the details of the ballot board summary statement to the recipients of the summary statements designated in section 204C.27.

In state primary and state general elections, these vote totals shall be added to the vote totals on the summary statements of the returns for the appropriate precinct. In other elections, these vote totals may be added to the vote totals on the summary statement of returns for the appropriate precinct or may be reported as a separate total.

The count shall be public. No vote totals from ballots may be made public before the close of voting on election day.

(c) In addition to the requirements of paragraphs (a) and (b), if the task has not been completed previously, the members of the ballot board must verify as soon as possible, but no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day. An absentee ballot submitted by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

Sec. 14. Minnesota Statutes 2012, section 203B.227, is amended to read:

203B.227 WRITE-IN ABSENTEE BALLOT.

(a) A voter described in section 203B.16, subdivision 1, may use ~~a state write-in absentee ballot or~~ the federal write-in absentee ballot to vote in any federal, state, or local election. In a state or local election, a vote for a political party without specifying the name of a candidate must not be counted.

(b) If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card Application. If the voter has not already voted and the accompanying certificate is properly completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

Sec. 15. Minnesota Statutes 2012, section 203B.28, is amended to read:

203B.28 POSTELECTION REPORT TO LEGISLATURE.

By ~~March 1, 2011, and by~~ January 15 of every odd-numbered year ~~thereafter~~, the secretary of state shall provide to the chair and ranking minority members of the legislative committees with jurisdiction over elections a statistical report related to absentee voting in the most recent general election cycle. The statistics must be organized by county ~~and precinct~~, and include:

- (1) the number of absentee ballots transmitted to voters;
- (2) the number of absentee ballots returned by voters;
- (3) the number of absentee ballots that were rejected, categorized by the reason for rejection;
- (4) the number of absentee ballots submitted pursuant to sections 203B.16 to 203B.27, along with the number of returned ballots that were accepted, rejected, and the reason for any rejections; and
- (5) the number of absentee ballots that were not counted because the ballot return envelope was received after the deadlines provided in this chapter.

Sec. 16. Minnesota Statutes 2012, section 204B.04, is amended by adding a subdivision to read:

Subd. 4. **Prohibition on multiple candidacy.** A candidate who files an affidavit of candidacy for an office to be elected at the general election may not subsequently file another affidavit of candidacy for any other office to be elected on the date of that general election. The provisions in section 645.241 do not apply to this subdivision.

Sec. 17. Minnesota Statutes 2012, section 204B.07, subdivision 2, is amended to read:

Subd. 2. **Petitions for presidential electors and alternates.** This subdivision does not apply to candidates for presidential elector or alternate nominated by major political parties. Major party candidates for presidential elector or alternate are certified under section 208.03. Other presidential electors or alternates are nominated by petition pursuant to this section. On petitions nominating presidential electors or alternates, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled and an alternate for each elector nominee.

Sec. 18. Minnesota Statutes 2012, section 204B.18, subdivision 2, is amended to read:

Subd. 2. **Ballot boxes.** ~~Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it. When buff or goldenrod ballot boxes are required, a separate box must be provided for each school district for which ballots are to be cast at that polling place. The number and name of the school district must appear conspicuously on the top of each buff or goldenrod ballot box.~~

Sec. 19. Minnesota Statutes 2012, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. **Minimum number required.** (a) A minimum of four election judges shall be appointed for each precinct, ~~except as provided by subdivision 2~~ in the state general election. In

all other elections, a minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 20. Minnesota Statutes 2012, section 204B.22, subdivision 2, is amended to read:

Subd. 2. **Exception.** A minimum of three election judges shall be appointed in precincts not using electronic voting equipment. ~~One additional election judge shall be appointed for each 150 votes cast in that precinct at the last similar election~~ and in precincts with fewer than 500 registered voters as of 14 weeks before the state primary.

Sec. 21. Minnesota Statutes 2012, section 204B.28, subdivision 1, is amended to read:

Subdivision 1. **Meeting with election officials.** At least 12 weeks before each regularly scheduled town general election conducted in March, and at least 18 weeks before all other general elections, each county auditor shall conduct a meeting or otherwise communicate with local election officials to review the procedures for the election. The county auditor may require the head election judges in the county to attend this meeting.

Sec. 22. Minnesota Statutes 2012, section 204B.32, subdivision 1, is amended to read:

Subdivision 1. **Payment.** (a) The secretary of state shall pay the compensation for presidential electors, the cost of printing ~~the pink paper~~ ballots, and all necessary expenses incurred by the secretary of state in connection with elections.

(b) The counties shall pay the compensation prescribed in section 204B.31, clauses (b) and (c), the cost of printing ~~the canary ballots, the white ballots, the pink state general election~~ ballots when machines are used, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections.

(c) Subject to subdivision 2, the municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections.

(d) The school districts shall pay the compensation prescribed for election judges and sergeants-at-arms, the cost of printing the school district ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the school district clerks in connection with school district elections not held in conjunction with state elections. When school district elections are held in conjunction with state elections, the school district shall pay the costs of

printing the school district ballots, providing ballot boxes and all necessary expenses of the school district clerk.

All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

Sec. 23. Minnesota Statutes 2012, section 204B.33, is amended to read:

204B.33 NOTICE OF FILING.

(a) At least ~~15~~ 16 weeks before the state primary, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least ~~two weeks~~ one week before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 24. Minnesota Statutes 2012, section 204B.35, subdivision 4, is amended to read:

Subd. 4. **Absentee ballots; preparation; delivery.** At least 46 days before a ~~regularly scheduled an election for federal, state, county, city, or school board office or a special election for federal office, and at least 30 days before any other election,~~ ballots necessary to fill applications of absentee voters shall be prepared and delivered to the officials who administer the provisions of chapter 203B₂, except as provided in this subdivision. Ballots necessary to fill applications of absentee voters for a town general election held in March shall be prepared and delivered to the town clerk at least 30 days before the election.

This section applies to school district elections held on the same day as a statewide election or an election for a county or municipality located partially or wholly within the school district.

Sec. 25. Minnesota Statutes 2012, section 204B.36, subdivision 1, is amended to read:

Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. ~~All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color. When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade.~~ All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Sec. 26. Minnesota Statutes 2012, section 204B.45, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** A ~~municipality~~ town of any size not located in a metropolitan county as defined by section 473.121 or a city having fewer than ~~400~~ 1,000 registered voters on June 1 of an election year and not located in a metropolitan county as defined by section 473.121 may provide balloting by mail at any municipal, county, or state election with no polling place other

than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than ~~50~~ 100 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

Sec. 27. Minnesota Statutes 2012, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least ~~six ten~~ weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office and not more than 30 days nor later than 14 days before ~~any other election~~ a town election held in March, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "accepted" or "rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of staff trained as election judges. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from mail or absentee ballots may be made public before the close of voting on election day.

The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 28. Minnesota Statutes 2012, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election. Notice of the election must be given to the county auditor at least ~~53~~ 74 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than ~~30~~ 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of staff trained as election judges. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from ballots may be made public before the close of voting on election day.

Sec. 29. Minnesota Statutes 2012, section 204C.07, subdivision 1, is amended to read:

Subdivision 1. **Partisan elections.** At an election to fill partisan offices, the chair of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct shall be allowed to remain in the polling place at one time. A challenger may only remain in a polling place while performing authorized duties of a challenger or for other purposes as specified by law.

Sec. 30. Minnesota Statutes 2012, section 204C.07, subdivision 2, is amended to read:

Subd. 2. **Nonpartisan elections.** At an election to fill nonpartisan offices, each nonpartisan candidate may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate shall be allowed to remain in the polling place for each precinct at one time. A challenger may only remain in a polling place while performing authorized duties of a challenger or for other purposes as specified by law.

Sec. 31. Minnesota Statutes 2012, section 204C.07, is amended by adding a subdivision to read:

Subd. 3b. **Training requirement.** (a) An individual must successfully complete one hour of training prior to serving as a challenger. The individual must complete the training once per two-year election cycle. The training must be approved by the secretary of state. The training must include, at a minimum, information on the role of challengers in the polling place, valid bases for challenges, prohibited conduct by challengers, and procedures for making challenges.

(b) Individuals seeking admission to a polling place to serve as a challenger must provide a certificate issued by the secretary of state or a designee of the secretary of state. The secretary of state or designee must issue a certificate to an individual that successfully completes the training described in paragraph (a). The certificate must state that the individual completed the required training and include the date of the training. An individual that fails to present a certificate or presents a certificate dated before the current two-year election cycle shall not be allowed to serve as a challenger.

Sec. 32. Minnesota Statutes 2012, section 204C.07, subdivision 4, is amended to read:

Subd. 4. **Restrictions on conduct.** (a) An election judge may not be appointed as a challenger. The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No A head judge may order a challenger to leave the polling place if the challenger fails to comply with the requirements of this section. A challenger must comply with the order to leave and must not serve as a challenger at any polling place for the remainder of the day.

(b) A challenger shall not:

- (1) handle or inspect registration cards, files, or lists. ~~Challengers shall not;~~
- (2) prepare in any manner any list of individuals who have or have not voted. ~~They shall not;~~
- (3) attempt to influence voting in any manner. ~~They shall not;~~
- (4) converse with a voter ~~except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.~~ or with a person assisting a voter;
- (5) use any electronic communication device inside the polling place; or
- (6) interfere with an election judge who is performing official duties.

(c) Individuals seeking admission to a polling place to serve as a challenger must sign a form that acknowledges the challenger is aware of the prohibited activities in paragraph (b). The form shall be prescribed by the secretary of state and must, at a minimum, include a list of the prohibited activities in paragraph (b).

Sec. 33. Minnesota Statutes 2012, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of

two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. ~~If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to provide assistance. The individuals shall assist the voter in marking the ballots.~~ A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 34. Minnesota Statutes 2012, section 204C.19, subdivision 2, is amended to read:

Subd. 2. **Ballots; order of counting.** Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared ~~one box at a time in the following order: the white box, the pink box, the canary box, the light green box, the blue box, the buff box, the goldenrod box, the gray box, and then the other kinds of ballots voted at the election.~~ If enough election judges are available to provide counting teams of four or more election judges for each box, ~~more than one box may be opened and counted at the same time.~~ The election judges on each counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Sec. 35. Minnesota Statutes 2012, section 204C.25, is amended to read:

204C.25 DISPOSITION OF BALLOTS.

After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective, and blank ballots shall be placed in envelopes ~~marked or printed to distinguish the color of the ballots contained,~~ and the envelopes shall be sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number ~~and kind~~ of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The number and name of the district must be plainly written on envelopes containing school district ballots. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal or school district clerk from whom they were received.

Sec. 36. Minnesota Statutes 2012, section 204C.27, is amended to read:

204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.

One or more of the election judges in each precinct shall deliver two sets of summary statements; all spoiled ~~white, pink, canary, and gray~~ ballots; and the envelopes containing the ~~white, pink, canary, and gray~~ ballots either directly to the municipal clerk for transmittal to the county auditor's office or

directly to the county auditor's office as soon as possible after the vote counting is completed but no later than 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal and school district ballots, the envelopes containing municipal and school district ballots, and all other things furnished by the municipal or school district clerk, to the municipal or school district clerk's office within 24 hours after the end of the hours for voting. The municipal or school district clerk shall return all polling place rosters and completed voter registration cards to the county auditor within 48 hours after the end of the hours for voting.

Sec. 37. Minnesota Statutes 2012, section 204C.35, subdivision 1, is amended to read:

Subdivision 1. **Automatic Publicly funded recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, ~~state legislative office~~, or district judicial office;

(1) is less than ~~one-half~~ one-quarter of one percent of the total number of votes counted for that nomination; or

(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote upon receiving a written request from the candidate whose nomination is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 48 hours after the canvass of the primary for which the recount is being sought.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that office or is ten votes or less and the total number of votes cast for the office is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, ~~state legislative office~~, or district judicial office and the votes of any other candidate for that office;

(1) is less than ~~one-half~~ one-quarter of one percent of the total number of votes counted for that office; or

(2) is ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall manually recount the votes upon receiving a written request from the candidate whose election is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the general election, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 48 hours after the canvass of the election for which the recount is being sought.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

~~(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.~~

Sec. 38. Minnesota Statutes 2012, section 204C.35, is amended by adding a subdivision to read:

Subd. 4. **Filing officer.** For the purposes of this section, the secretary of state is the filing officer for candidates for all federal offices and for state offices voted on in more than one county. The county auditor is the filing officer for state offices voted on in only one county.

Sec. 39. Minnesota Statutes 2012, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. **Required Publicly funded recounts.** (a) Except as provided in paragraph paragraphs (b) and (c), 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 less than ~~one-half~~ one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the ~~one-half~~ one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent, and the total number of votes cast for the nomination or election of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

~~(b)~~ (c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for 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 ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the

candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

~~(e)~~ (d) 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.

~~(d)~~ (e) 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.

Sec. 40. Minnesota Statutes 2012, section 204D.08, subdivision 6, is amended to read:

Subd. 6. **State and county nonpartisan primary ballot.** The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed on ~~canary paper~~ in the manner provided in the rules of the secretary of state. The names of candidates for nomination to the Supreme Court, Court of Appeals, district court, and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 41. Minnesota Statutes 2012, section 204D.09, subdivision 2, is amended to read:

Subd. 2. **Sample ballot.** At least ~~two weeks~~ 46 days before the state primary the county auditor shall prepare a sample ~~state partisan primary ballot and a sample state and county nonpartisan primary ballot~~ for each precinct for public inspection and transmit an electronic copy of these sample ballots to the secretary of state. The names of ~~all of~~ the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged in the base rotation as determined by section 206.61, subdivision 5. ~~Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county.~~ The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 42. Minnesota Statutes 2012, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. **White State general election ballot; rules.** The names of the candidates for all ~~partisan state and federal offices, all proposed constitutional amendments, all county offices and questions, and all judicial offices~~ voted on at the state general election shall be placed on a single ballot ~~printed on white paper which~~ that shall be known as the "white state general election ballot." This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The secretary of state shall adopt rules for preparation and time of delivery of the white state general election ballot.

Sec. 43. Minnesota Statutes 2012, section 204D.11, subdivision 4, is amended to read:

Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot ~~printed on white paper which that~~ shall be known as the "special federal white ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the ~~white state general election ballot~~ and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal ~~white~~ ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 44. Minnesota Statutes 2012, section 204D.11, subdivision 5, is amended to read:

Subd. 5. **Ballot headings.** The ~~white, pink, and special federal white~~ ballot containing the offices and questions in subdivisions 1 and 4, shall be headed with the words "State General Election Ballot." ~~The canary ballot shall be headed with the words "County and Judicial Nonpartisan General Election Ballot."~~

Sec. 45. Minnesota Statutes 2012, section 204D.11, subdivision 6, is amended to read:

Subd. 6. **Gray Judicial ballot.** ~~When the canary ballot would be longer than 30 inches or when it would not be possible to place all offices on a single ballot card for the state general election,~~ the judicial offices ~~that should be placed on the canary ballot~~ may be placed instead on a separate gray judicial ballot. The gray judicial ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.

The gray judicial ballot must be headed with the words: "Judicial Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray judicial ballots.

Sec. 46. Minnesota Statutes 2012, section 204D.13, subdivision 3, is amended to read:

Subd. 3. **Nominees by petition; placement on ballot.** The names of candidates nominated by petition for a partisan office voted on at the state general election shall be placed on the ~~white state general election~~ ballot after the names of the candidates for that office who were nominated at the state primary. ~~Prior to the state primary~~ No later than 11 weeks before the state general election, the secretary of state shall determine by lot the order of candidates nominated by petition. The drawing of lots must be by political party or principle. The political party or political principle of the candidate as stated on the petition shall be placed after the name of a candidate nominated by petition. The word "nonpartisan" shall not be used to designate any partisan candidate whose name is placed on the ~~white state general election~~ ballot by nominating petition.

Sec. 47. Minnesota Statutes 2012, section 204D.14, subdivision 1, is amended to read:

Subdivision 1. **Rotation of names.** The names of candidates for nonpartisan offices on the ~~canary state general election~~ ballot and the judicial nonpartisan general election ballot shall be rotated in the manner provided for rotation of names on state partisan primary ballots by section 204D.08, subdivision 3.

Sec. 48. Minnesota Statutes 2012, section 204D.14, subdivision 3, is amended to read:

Subd. 3. **Uncontested judicial offices.** Judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court on the ~~canary~~ ballot.

Sec. 49. Minnesota Statutes 2012, section 204D.15, subdivision 3, is amended to read:

Subd. 3. **Sample pink ballot; constitutional amendments.** Four weeks before the state general election the secretary of state shall file sample copies of the ~~pink ballot~~ portion of the state general election ballot that contains the proposed constitutional amendments in the Secretary of State's Office for public inspection. Three weeks before the state general election the secretary of state shall ~~mail~~ transmit sample copies of the ~~pink sample~~ ballot to each county auditor. Each auditor shall post the sample ballot in a conspicuous place in the auditor's office.

Sec. 50. Minnesota Statutes 2012, section 204D.16, is amended to read:

204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING; PUBLICATION.

~~Two weeks before the state general election the county auditor shall prepare sample copies of the white and canary ballots and~~ At least 46 days before the state general election, the county auditor shall post copies of these sample ballots and a sample of the pink ballot for each precinct in the auditor's office for public inspection and transmit an electronic copy of these sample ballots to the secretary of state. No earlier than 15 days and no later than two days before the state general election the county auditor shall cause the sample white and canary ballots state general election ballots to be published in at least one newspaper of general circulation in the county.

Sec. 51. Minnesota Statutes 2012, section 204D.165, is amended to read:

204D.165 SAMPLE BALLOTS TO SCHOOLS.

~~Notwithstanding any contrary provisions in section 204D.09 or 204D.16,~~ The county auditor, two weeks before the applicable primary or general election, shall provide one copy of ~~the an~~ appropriate sample partisan primary, nonpartisan primary, canary, white, or pink ballot to a school district upon request. The school district may have the sample ballots reproduced at its expense for classroom educational purposes and for educational activities authorized under section 204B.27, subdivision 7.

Sec. 52. Minnesota Statutes 2012, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the 40th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than 35 days after the issuance of the writ. A special election must not be held during the four days before or the four days after a holiday as defined in section 645.44, subdivision 5.

Sec. 53. Minnesota Statutes 2012, section 205.02, subdivision 2, is amended to read:

Subd. 2. **City elections.** In all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public questions relating to the city shall be held as provided in this chapter, except that sections 205.065, subdivisions 4 to 6; 205.07, subdivision 3; 205.10; 205.121; and 205.17, ~~subdivisions 2 and~~ subdivision 3, do not apply to a city whose charter provides the manner of holding its primary, general or special elections.

Sec. 54. Minnesota Statutes 2012, section 205.10, subdivision 3, is amended to read:

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within ~~40~~ 56 days after the state general election.

Sec. 55. Minnesota Statutes 2012, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In a city nominating candidates at a primary, an affidavit of candidacy for a city office voted on in November must be filed no more than 84 days nor less than 70 days before the city primary. In municipalities that do not hold a primary, an affidavit of candidacy must be filed no more than 70 days and not less than 56 days before the municipal general election held in March in any year, or a special election not held in conjunction with another election, and no more than 98 days nor less than 84 days before the municipal general election held in November of any year. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period.

Sec. 56. Minnesota Statutes 2012, section 205.13, is amended by adding a subdivision to read:

Subd. 7. **Write-in candidates for city offices.** The governing body of any city may, by resolution, require that a candidate for a city office who wants write-in votes for the candidate to be counted file a written request with the city clerk no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request.

Sec. 57. Minnesota Statutes 2012, section 205.16, subdivision 4, is amended to read:

Subd. 4. **Notice to auditor.** ~~At least 67 74 days before every municipal election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every municipal election held in connection with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 53 days before any other municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least 67 74 days before every municipal election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other election, the municipal clerk must provide written notice to the county auditor of any special election canceled under section 205.10, subdivision 6.~~

Sec. 58. Minnesota Statutes 2012, section 205.16, subdivision 5, is amended to read:

Subd. 5. **Notice to secretary of state.** ~~At least 67 74 days before every municipal election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every municipal election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school~~

~~board office or a special election for federal office, and at least 46 days before any other municipal election~~ for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 59. Minnesota Statutes 2012, section 205.17, subdivision 1, is amended to read:

Subdivision 1. ~~Second, third, and fourth class cities; towns~~ **Municipal offices; questions; general election ballot.** In all statutory and home rule charter cities ~~of the second, third, and fourth class, and in all towns, for the municipal general election,~~ the municipal clerk shall have printed ~~on light green paper~~ the official ballot containing the names of all candidates for municipal offices and municipal ballot questions. The ballot shall be printed in quantities of 25, 50, or 100, shall be headed "City or Town Election Ballot," shall state the name of the city or town and the date of the election, and shall conform in other respects to the ~~white ballot used at the state general election ballot.~~ The names shall be arranged on city ballots in the manner provided for the state elections. ~~On town ballots names of the candidates for each office shall be arranged either:~~

- (1) alphabetically according to the candidates' surnames; or
- (2) in the manner provided for state elections if the town electors chose at the town's annual meeting to arrange the names in that way for at least two consecutive years.

Sec. 60. Minnesota Statutes 2012, section 205.17, subdivision 3, is amended to read:

Subd. 3. **Primary ballots.** The municipal primary ballot ~~in cities of the second, third, and fourth class and towns and the nonpartisan primary ballot in cities of the first class shall conform as far as practicable with the municipal general election ballot except that it shall be printed on light green paper.~~ No blank spaces shall be provided for writing in the names of candidates. ~~The partisan primary ballot in cities of the first class shall conform as far as practicable with the state partisan primary ballot.~~

Sec. 61. Minnesota Statutes 2012, section 205A.04, is amended by adding a subdivision to read:

Subd. 3. **Change in year of general election.** The school board may, by resolution, change the year in which the school district general election will be held. The resolution must be approved no later than four weeks before the first day to file affidavits of candidacy for the general election. A plan for the orderly transition to the new election year must be included in the resolution. The terms of school board members may be lengthened or shortened by one year as a part of the transition process.

Sec. 62. Minnesota Statutes 2012, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **Questions.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition filed with the school board of 50 or more voters of the school district or five percent of the number of voters voting at the preceding school district general election, whichever is greater, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted

and the returns made in the manner provided for the school district general election. A special election may not be held during the ~~30~~ 56 days before and the ~~30~~ 56 days after ~~the state a regularly scheduled primary, during the 30 days before and the 40 days after the state or general election.~~ In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality conducted wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 63. Minnesota Statutes 2012, section 205A.05, subdivision 2, is amended to read:

Subd. 2. **Vacancies in school district offices.** Special elections shall be held in school districts in conjunction with school district primary and general elections to fill vacancies in elective school district offices. When more than one vacancy exists in an office elected at-large, voters must be instructed to vote for up to the number of vacancies to be filled.

Sec. 64. Minnesota Statutes 2012, section 205A.06, is amended by adding a subdivision to read:

Subd. 6. **Write-in candidates.** The governing body of any school district may, by resolution, require that a candidate for school district office who wants write-in votes for the candidate to be counted file a written request with the filing office for the office sought no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request.

Sec. 65. Minnesota Statutes 2012, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **Notice to auditor.** ~~At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 53 days before any other 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, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor before receipt of a review and comment from the commissioner of education and before actual initiation of the election. At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before an election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other election, the school district clerk must provide written notice to the county auditor of any special election canceled under section 205A.05, subdivision 3.~~

Sec. 66. Minnesota Statutes 2012, section 205A.07, subdivision 3a, is amended to read:

Subd. 3a. **Notice to commissioner of education.** ~~At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 49 days before any other school district election, under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the~~

school district clerk shall provide a written notice to the commissioner of education. The notice must include the date of the election and the title and language for each ballot question to be voted on at the election. At least ~~67~~ 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other school district election, the school district clerk must provide a written notice to the commissioner of education of any special election canceled under section 205A.05, subdivision 3. The certified vote totals for each ballot question shall be provided in a written notice to the commissioner in a timely manner.

Sec. 67. Minnesota Statutes 2012, section 205A.07, subdivision 3b, is amended to read:

Subd. 3b. **Notice to secretary of state.** At least ~~67~~ 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 68. Minnesota Statutes 2012, section 205A.08, subdivision 1, is amended to read:

Subdivision 1. **Buff General election ballot.** The names of all candidates for offices and all ballot questions to be voted on at a school district general election must be placed on a single ballot printed on buff paper and known as the "buff ballot."

Sec. 69. Minnesota Statutes 2012, section 206.61, subdivision 4, is amended to read:

Subd. 4. **Order of candidates.** On the "State Partisan Primary Ballot" prepared for primary elections, and on the ~~white~~ state general election ballot prepared for the general election, the order of the names of nominees or names of candidates for election shall be the same as required for paper ballots. More than one column or row may be used for the same office or party. Electronic ballot display and audio ballot readers must conform to the candidate order on the optical scan ballot used in the precinct.

Sec. 70. Minnesota Statutes 2012, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. ~~Ballots counted centrally by a ballot board shall be considered one precinct eligible to be selected for purposes of this subdivision.~~ The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater.

At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office Web site.

Sec. 71. Minnesota Statutes 2012, section 206.89, subdivision 3, is amended to read:

Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint the postelection review official as defined in subdivision 1. The postelection review must be conducted of the votes cast for president or governor; ~~United States senator; and United States representative.~~ The postelection review official may conduct postelection review of the votes cast for additional offices.

The postelection review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board. The postelection review official for each precinct selected must conduct the postelection review and may be assisted by election judges designated by the postelection review official for this purpose. The party balance requirement of section 204B.19 applies to election judges designated for the review. The postelection review must consist of a manual count of the ballots used in the precincts selected and must be performed in the manner provided by section 204C.21. The postelection review must be conducted in the manner provided for recounts under section 204C.361 to the extent practicable. The review must be completed no later than two days before the meeting of the state canvassing board to certify the results of the state general election.

Sec. 72. Minnesota Statutes 2012, section 206.895, is amended to read:

206.895 SECRETARY OF STATE MONITOR.

The secretary of state must monitor and evaluate election procedures in precincts subject to the audit provided for in section 206.89 in at least ~~four precincts~~ one precinct in each congressional district. The precincts must be chosen by lot by the State Canvassing Board at its meeting to canvass the state general election.

Sec. 73. Minnesota Statutes 2012, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. In state elections, a single ballot title must be used, as provided in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. In odd-numbered years when both municipal and school district offices or questions appear on the ballot, the single ballot title "City (or Town) and School District Ballot" must be used.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 74. Minnesota Statutes 2012, section 208.02, is amended to read:

208.02 ELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES.

Presidential electors and alternates shall be chosen at the state general election held in the year preceding the expiration of the term of the president of the United States.

Sec. 75. Minnesota Statutes 2012, section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.

Presidential electors and alternates for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. At least 71 days before the general election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of eight persons nominated as alternate presidential electors, and the names of the party candidates for president and vice president. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

Sec. 76. Minnesota Statutes 2012, section 208.04, subdivision 1, is amended to read:

Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates are to be voted for, a vote cast for the party candidates for president and vice president shall be deemed a vote for that party's electors and alternates as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and the candidates

nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state ~~white~~ general election ballot, before the party designation. To the left of, and on the same line with the names of the candidates for president and vice president, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X."

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Sec. 77. Minnesota Statutes 2012, section 208.04, subdivision 2, is amended to read:

Subd. 2. **Applicable rules.** The rules for preparation, state contribution to the cost of printing, and delivery of presidential ballots are the same as the rules for ~~white~~ state general election ballots under section 204D.11, subdivision 1.

Sec. 78. Minnesota Statutes 2012, section 208.06, is amended to read:

208.06 ELECTORS AND ALTERNATES TO MEET AT STATE CAPITOL; FILLING OF VACANCIES.

The presidential electors and alternate presidential electors, before ~~12:00 M.~~ noon on the day before that fixed by Congress for the electors to vote for president and vice president of the United States, shall notify the governor that they are at the State Capitol and ready at the proper time to fulfill their duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. ~~If any elector named therein fails to appear before 9:00 a.m. on the day, and at the place, fixed for voting for president and vice president of the United States, an alternate, chosen from among the alternates by lot, shall be appointed to act for that elector. If more than eight alternates are necessary, the electors present shall, in the presence of the governor, immediately elect by ballot a person to fill the vacancy. If more than the number of persons required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of those persons shall be elected.~~ The electors shall meet at 12:00 p.m. in the executive chamber of the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state in the manner provided in section 208.46.

Sec. 79. **[208.40] SHORT TITLE.**

Sections 208.40 to 208.48 may be cited as the "Uniform Faithful Presidential Electors Act."

Sec. 80. **[208.41] DEFINITIONS.**

- (a) The definitions in this section apply to sections 208.40 to 208.48.
- (b) "Cast" means accepted by the secretary of state in accordance with section 208.46, paragraph (b).
- (c) "Elector" means an individual selected as a presidential elector under this chapter.
- (d) "President" means the president of the United States.
- (e) "Unaffiliated presidential candidate" means a candidate for president who qualifies for the general election ballot in this state by means other than nomination by a political party.
- (f) "Vice president" means the vice president of the United States.

Sec. 81. **[208.42] DESIGNATION OF STATE'S ELECTORS.**

For each elector position in this state, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee."

Except as otherwise provided in sections 208.44 to 208.47, this state's electors are the winning elector nominees under the laws of this state.

Sec. 82. **[208.43] PLEDGE.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." The executed pledges must accompany the submission of the corresponding names to the secretary of state.

Sec. 83. **[208.44] CERTIFICATION OF ELECTORS.**

In submitting this state's certificate of ascertainment as required by United States Code, title 3, section 6, the governor shall certify this state's electors and state in the certificate that:

(1) the electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and

(2) if a substitute elector is appointed to fill a vacancy, the governor will submit an amended certificate of ascertainment stating the names on the final list of this state's electors.

Sec. 84. **[208.45] PRESIDING OFFICER; ELECTOR VACANCY.**

(a) The secretary of state shall preside at the meeting of electors described in section 208.06.

(b) The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) if the alternate elector is present to vote, by appointing the alternate elector for the vacant position;

(2) if the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party or unaffiliated presidential candidate;

(3) if the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to clauses (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;

(4) if there is a tie between at least two nominees for substitute elector in a vote conducted under clause (3), by appointing an elector chosen by lot from among those nominees; or

(5) if all elector positions are vacant and cannot be filled pursuant to clauses (1) to (4), by appointing a single presidential elector, with remaining vacant positions to be filled under clause (3) and, if necessary, clause (4).

(c) To qualify as a substitute elector under paragraph (b), an individual who has not executed the pledge required under section 208.43 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

Sec. 85. [208.46] ELECTOR VOTING.

(a) At the time designated for elector voting in section 208.06, and after all vacant positions have been filled under section 208.45, the secretary of state shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Except as otherwise provided by law of this state other than this chapter, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 208.43 or 208.45, paragraph (c). Except as otherwise provided by law of this state other than this chapter, the secretary of state may not accept and may not count either an elector's presidential or vice-presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 208.43 or 208.45, paragraph (c), vacates the office of elector, creating a vacant position to be filled under section 208.45.

(d) The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

Sec. 86. [208.47] ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES.

(a) After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under United States Code, title 3, section 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

(b) The governor immediately shall deliver the signed amended certificate of ascertainment to the secretary of state and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(c) The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the amended certificate of ascertainment under United States Code, title 3, sections 9, 10, and 11.

Sec. 87. [208.48] UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing sections 208.40 to 208.48, consideration must be given to the need to promote uniformity of the law with respect to their subject matter among states that enact the Uniform Faithful Presidential Electors Act or similar law.

Sec. 88. Minnesota Statutes 2012, section 209.01, subdivision 2, is amended to read:

Subd. 2. **Statewide office.** For purposes of this chapter, "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, secretary of state, chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, United States senator, or presidential elector or alternate.

Sec. 89. Minnesota Statutes 2012, section 211B.045, is amended to read:

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

~~In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, All noncommercial signs of any size may be posted in any number from beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.~~

Sec. 90. Minnesota Statutes 2012, section 211B.37, is amended to read:

211B.37 COSTS ASSESSED.

Except as otherwise provided in section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under section 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section 10A.31, subdivision 4. ~~Costs of complaints relating to any other ballot question or elective office must be assessed against the county or counties in which the election is held. Where the election is held in more than one county, the chief administrative law judge shall apportion the assessment among the counties in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census paid from appropriations to the office for this purpose.~~

Sec. 91. Minnesota Statutes 2012, section 340A.416, subdivision 2, is amended to read:

Subd. 2. **Ballot question.** ~~The form of the question of the referendum under this section must be on a separate ballot and must allow the voters to vote either "for license" or "against license." either "Shall the city issue ... intoxicating liquor licenses?" or "Shall the city discontinue issuing intoxicating liquor licenses?"~~

Sec. 92. Minnesota Statutes 2012, section 340A.416, subdivision 3, is amended to read:

Subd. 3. **Effect of election results.** ~~If a majority of persons voting on the referendum question vote "against license," to discontinue issuing licenses, the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section.~~

Sec. 93. Minnesota Statutes 2012, section 340A.602, is amended to read:

340A.602 CONTINUATION.

In any city in which the report of the operations of a municipal liquor store has shown a net loss prior to interfund transfer in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election. The form of the question shall be: "Shall the city of (name) discontinue operating the municipal liquor store on (Month xx, 2xxx)?".

Sec. 94. Minnesota Statutes 2012, section 375.20, is amended to read:

375.20 BALLOT QUESTIONS.

If the county board may do an act, incur a debt, appropriate money for a purpose, or exercise any other power or authority, only if authorized by a vote of the people, the question may be submitted at a special or general election, by a resolution specifying the matter or question to be voted upon. If the question is to authorize the appropriation of money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election shall be given as in the case of special elections. If the question submitted is adopted, the board shall pass an appropriate resolution to carry it into effect. In the election the form of the ballot shall be: ~~"In favor of Shall (here state the substance of the resolution to be submitted)?, Yes No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall mark an "X" to indicate a choice.~~ The county board may call a special county election upon a question to be held within ~~60~~ 74 days after a resolution to that effect is adopted by the county board. Upon the adoption of the resolution the county auditor shall post and publish notices of the election, as required by section 204D.22, subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the manner prescribed by sections 204D.20 to 204D.27, so far as practicable.

Sec. 95. Minnesota Statutes 2012, section 447.32, subdivision 2, is amended to read:

Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law applies to hospital district elections, as far as practicable. Regular elections must be held in each hospital district at the same time, in the same election precincts, and at the same polling places as general elections of state and county officers. It may establish the whole district as a single election precinct or establish two or more different election precincts and polling places for the elections. If there is more than one precinct, the boundaries of the election precincts and the locations of the polling places must be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk.

Special elections may be called by the hospital board to vote on any matter required by law to be submitted to the voters. A special election may not be conducted either during the ~~30~~ 56 days before ~~and the 30 days after the state~~ or the 56 days after a regularly scheduled primary or state general election, ~~or during the 20 days before and the 20 days after the regularly scheduled election~~

of any municipality conducted wholly or partially within the hospital district. Special elections must be held within the election precinct or precincts and at the polling place or places designated by the board. In the case of the first election of officers of a new district, precincts and polling places must be set by the governing body of the most populous city or town included in the district.

Advisory ballots may be submitted by the hospital board on any question it wishes, concerning the affairs of the district, but only at a regular election or at a special election required for another purpose.

Sec. 96. Minnesota Statutes 2012, section 447.32, subdivision 3, is amended to read:

Subd. 3. **Election notices.** At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least ~~53~~ 74 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. ~~At least 46 days before a hospital district election for which a notice is provided to the county auditor under this subdivision;~~ The county auditor shall immediately provide a notice to the secretary of state in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ~~ten days~~ two weeks before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 97. Minnesota Statutes 2012, section 447.32, subdivision 4, is amended to read:

Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ~~91~~ 98 days nor less than ~~77~~ 84 days before the first Tuesday after the first Monday in November of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

The governing body of any hospital district may, by resolution, require that a candidate for hospital district office who wants write-in votes for the candidate to be counted file a written request with the filing officer for the office sought no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be ~~printed on tan paper and~~ prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 98. Laws 1963, chapter 276, section 2, subdivision 2, as amended by Laws 1992, chapter 534, section 1, is amended to read:

Subd. 2. ~~One third of the members of the first hospital board shall be appointed for a term to expire one year from December 31 next following such appointment, one third for a term to expire two years from such date, and one third for a term to expire three years from such date. Successors to the original board members shall each be elected for terms of three years, and all members shall hold office until their successors are elected and qualify. Terms of all members shall expire on December 31. In case of a vacancy on the hospital board, whether due to death, removal from the district, inability to serve, resignation, or other cause the majority of the remaining members of the hospital board, at its next regular or special meeting, shall make an appointment to fill such vacancy for the then unexpired term. The election of successors to the original board members shall be elected by popular vote of the qualified voters in the hospital district. Hospital board elections shall be conducted as provided in Minnesota Statutes, section 447.32. The hospital board shall, by resolution, adopt a plan for the orderly transition to the new election schedule. The resolution must be approved no later than four weeks before the first day to file affidavits of candidacy for the general election. The terms of hospital board members may be lengthened or shortened by one year as a part of the transition process.~~

Sec. 99. **APPROPRIATION.**

\$...... is appropriated from the general fund in fiscal year 2014 to the secretary of state to develop functionality within the statewide voter registration system to facilitate the processing and tracking of mail ballots submitted under Minnesota Statutes, sections 204B.45 and 204B.46.

Sec. 100. **REPEALER.**

Minnesota Statutes 2012, sections 204B.42; 204D.11, subdivisions 2 and 3; 205.17, subdivisions 2 and 4; 205A.08, subdivision 4; 208.07; and 208.08, are repealed.

ARTICLE 6

LOSS AND RESTORATION OF VOTING RIGHTS

Section 1. Minnesota Statutes 2012, section 13.851, subdivision 10, is amended to read:

Subd. 10. **Felony sentence offender data; voter registration.** The use and classification of felony sentence offender data made available to the secretary of state is governed by section 201.157.

Sec. 2. Minnesota Statutes 2012, section 201.054, is amended by adding a subdivision to read:

Subd. 1a. **Invalid registrations; notice to voter.** If the county auditor has reason to believe based upon records provided by another public entity that an individual who has submitted a voter registration application is not eligible to vote, the county auditor must notify the individual of the reason that the individual's eligibility is in question and that the individual will not be registered to vote unless the individual reaffirms the individual's eligibility in writing.

Sec. 3. Minnesota Statutes 2012, section 201.054, subdivision 2, is amended to read:

Subd. 2. **Prohibitions; penalty; affirmative defense.** (a) No individual shall intentionally:

(a) (1) cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote;

(b) (2) cause or attempt to cause the individual's name to be registered for the purpose of voting in more than one precinct;

(c) (3) misrepresent the individual's identity when attempting to register to vote; or

(d) (4) aid, abet, counsel, or procure any other individual to violate this subdivision.

~~A violation of this subdivision is a felony.~~

An individual who violates clause (1) but does not subsequently cast a ballot is guilty of a misdemeanor. An individual who violates clause (1) and subsequently casts a ballot is guilty of a felony. All other violations of this subdivision are a felony.

(b) It is an affirmative defense to a prosecution for violation of paragraph (a), clause (1), if the individual:

(1) requested, in writing, that the county auditor of the county where the individual resides withdraw the registration, and the request was made before any complaint was filed alleging a violation of paragraph (a), clause (1); and

(2) did not vote at an election between the time the registration application was submitted and the time the individual requested the registration be withdrawn.

Sec. 4. Minnesota Statutes 2012, section 201.157, is amended to read:

201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.

Subdivision 1. **Access to data.** (a) ~~As required by the Help America Vote Act of 2002, Public Law 107-252,~~ The commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently:

(1) serving felony sentences under the commissioner's jurisdiction; or

(2) on probation for felony offenses that would result in the loss of civil rights, as indicated by the statewide supervision system established under section 241.065.

The data must include the name, date of birth, last known residential address that is not a correctional facility, and, if available, corrections' state identification number, and if available, and the driver's license or state identification card number, and, if an individual has completed the sentence, the date of discharge.

(b) The secretary of state must determine if any data newly indicates that:

(1) an individual with an active voter registration in the statewide voter registration system is currently serving a felony sentence under the commissioner's jurisdiction or is on probation for a felony offense that would result in the loss of civil rights and the individual's voter record does not already have a challenged status due to a felony conviction;

(2) an individual with an active voter registration in the statewide voter registration system who is currently serving a felony sentence under the commissioner's jurisdiction or who is on probation for a felony offense that would result in the loss of civil rights appears to have registered to vote or to have voted during a period when the individual's civil rights were revoked; and

(3) an individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction or who has been on probation for a felony offense that would result in the loss of civil rights has been discharged from a sentence.

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3) for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide voter registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

The secretary of state must make the required determinations and provide the required lists to the county auditors at least monthly.

For each state general election that occurs prior to the statewide voter registration system being programmed to generate lists as required by this section, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the election and again between six and ten weeks after the election. In the year following that state election, the secretary of state must make this determination and provide lists to the county auditors again as part of the annual list maintenance.

Subd. 2. Notice to affected individuals. (a) Between 60 and 65 days prior to a state general election, the Department of Corrections shall provide to the secretary of state a list of offenders, who, at the time the list is prepared, are on supervised release or probation for a felony offense that resulted in the loss of civil rights. The list shall also include former offenders who the data indicates were discharged from all felony-level sentences since the previous list was provided in accordance with this subdivision and who are not serving a felony-level sentence at the time the list is prepared. The data must include the offender's name; date of birth; last known residential address that is not a correctional facility; if available, corrections state identification number and driver's license or state identification card number; and if an offender has completed the sentence, the date the discharge occurred.

(b) The secretary of state shall use the data provided in paragraph (a) to mail written notices at least one month prior to a state general election, as follows:

(1) a notice to each individual on probation for a felony offense that would result in the loss of civil rights, informing the individual that registration or voting while on probation for the offense is itself a felony offense and may result in the loss of the individual's probation status; and

(2) a notice to each individual who has completed a term of probation resulting in the loss of civil rights and who has no new felony conviction, that the individual's right to vote has been restored.

Subd. 3. **Data.** Data on offenders submitted to the secretary of state under this section are private data on individuals as defined in section 13.02, subdivision 12, and may be used or disseminated only for purposes authorized by this section.

Sec. 5. Minnesota Statutes 2012, section 201.275, is amended to read:

201.275 INVESTIGATIONS; PROSECUTIONS.

A county attorney who law enforcement agency that is notified by affidavit of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution in accordance with the second edition of the National Prosecution Standards published by the National District Attorneys Association.

Sec. 6. Minnesota Statutes 2012, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) The commissioner of corrections must provide the secretary of state with a list of the names and mailing addresses of correctional facilities in which only persons convicted of felony-level offenses reside in Minnesota. An application for an absentee ballot that provides an address included on the list provided by the commissioner of corrections must not be accepted and an absentee ballot must not be provided to the applicant. The county auditor or municipal clerk must promptly transmit a copy of the application to the county attorney. The Department of Corrections must implement procedures to ensure that absentee ballots issued under chapter 203B are not received or mailed by offenders incarcerated at correctional facilities in which only persons convicted of felony-level offenses reside.

(b) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

~~(b)~~ (c) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

EFFECTIVE DATE. This section is effective June 15, 2013.

Sec. 7. Minnesota Statutes 2012, section 204C.14, is amended to read:

204C.14 UNLAWFUL VOTING; PENALTY.

Subdivision 1. Violations; penalty. No individual shall intentionally:

(a) misrepresent the individual's identity in applying for a ballot, depositing a ballot in a ballot box or attempting to vote by means of a voting machine or electronic voting system;

(b) vote more than once at the same election;

(c) put a ballot in a ballot box for any illegal purpose;

(d) give more than one ballot of the same kind ~~and color~~ to an election judge to be placed in a ballot box;

(e) aid, abet, counsel or procure another to go into any precinct for the purpose of voting in that precinct, knowing that the other individual is not eligible to vote in that precinct; or

(f) aid, abet, counsel or procure another to do any act in violation of this section.

A violation of this section is a felony.

Subd. 2. Signature on roster as evidence of intent. For purposes of proving a violation of this section, the signature of an individual on a polling place roster is prima facie evidence of the intent of the individual to vote at that election.

Sec. 8. Minnesota Statutes 2012, section 241.065, subdivision 2, is amended to read:

Subd. 2. **Establishment.** The Department of Corrections shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The adult data and juvenile data as defined in section 260B.171 in the statewide supervision system are private data as defined in section 13.02, subdivision 12,

but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to the Minnesota sex offender program as provided in section 246B.04, subdivision 3, to public defenders as provided in section 611.272, to all trial courts and appellate courts, and to criminal justice agencies in other states in the conduct of their official duties. Adult data in the statewide supervision system are accessible to the secretary of state for the purposes described in section 201.157.

Sec. 9. **[244.25] NOTICE OF LOSS OF VOTING RIGHTS.**

Whenever an adult felon is placed on probation supervision, the individual must be provided a written notice, included in the probation agreement, that the individual may not register to vote or cast a ballot in any election during the period of felony supervision. The individual must acknowledge, by signature, receipt of the notice. A copy of the notice and signature must be placed in the felon's probation supervision file.

Sec. 10. **APPROPRIATION.**

(a) \$..... is appropriated in fiscal year 2014 and \$..... is appropriated in fiscal year 2015 to the secretary of state to administer this article. Of these amounts, \$..... is added to the base budget of the secretary of state.

(b) \$..... is appropriated in fiscal year 2014 and \$..... is appropriated in fiscal year 2015 to the commissioner of corrections to administer this article. Of this amount, \$..... is added to the base budget of the Department of Corrections.

ARTICLE 7

JUNE PRIMARY

Section 1. Minnesota Statutes 2012, section 204B.14, subdivision 2, is amended to read:

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

- (1) each city ward; and
- (2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than ~~May~~ March 1 of any year:

- (1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;
- (2) for contiguous precincts in the same municipality;
- (3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or
- (4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each

participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than ~~April~~ February 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 2. Minnesota Statutes 2012, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct must be adopted at least ten weeks before the date of the next election and, for the state primary and general election, no later than ~~June~~ April 1 in the year of the state general election. The precinct boundary change 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 56 days.

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 before 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, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 3. Minnesota Statutes 2012, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **Appointment lists; duties of political parties and secretary of state.** On ~~May~~ March 1 in a year in which there is an election for a partisan political office, each major political party shall prepare a list of eligible voters to act as election judges in each election precinct. The political parties shall furnish the lists electronically to the secretary of state, in a format specified by the secretary of state. The secretary of state must combine the data received from each political party under this subdivision and must process the data to locate the precinct in which the address provided for each potential election judge is located. If the data submitted by a political party is insufficient for the secretary of state to locate the proper precinct, the associated name must not appear in any list forwarded to an appointing authority under this subdivision. The secretary of state shall notify political parties of any proposed election judges with addresses that could not be located in a precinct.

By ~~May~~ March 15, the secretary of state shall furnish electronically to the county auditor a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority,

noting the political party affiliation of each individual on the list. The county auditor must promptly forward the appropriate names to the appropriate municipal clerk.

Sec. 4. Minnesota Statutes 2012, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. **State primary.** The state primary shall be held on the ~~second~~ first Tuesday after the third Monday in August ~~June~~ in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 5. Minnesota Statutes 2012, section 204D.09, subdivision 1, is amended to read:

Subdivision 1. **Example ballot.** (a) No later than ~~May~~ March 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year.

(b) The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Sec. 6. Minnesota Statutes 2012, section 204D.28, subdivision 5, is amended to read:

Subd. 5. **Regular state primary.** "Regular state primary" means:

(a) the state primary at which candidates are nominated for offices elected at the state general election; or

(b) a primary held on the ~~second~~ first Tuesday after the third Monday in August ~~June~~ of odd-numbered years.

Sec. 7. Minnesota Statutes 2012, section 205.065, subdivision 1, is amended to read:

Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating elective officers may be held in any city on the ~~second~~ first Tuesday after the third Monday in August ~~June~~ of any year in which a municipal general election is to be held for the purpose of electing officers. The date of a municipal primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Sec. 8. Minnesota Statutes 2012, section 205.065, subdivision 2, is amended to read:

Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or resolution adopted by ~~April~~ January 15 in the year when a municipal general election is held, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.

Sec. 9. Minnesota Statutes 2012, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Resolution requiring primary in certain circumstances.** The school board of a school district may, by resolution adopted by ~~April~~ January 15 of any year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a

specified school board position or more than twice as many school board candidates as there are at-large school board positions available, the school district must hold a primary.

Sec. 10. Minnesota Statutes 2012, section 205A.03, subdivision 2, is amended to read:

Subd. 2. **Date.** The school district primary must be held on the ~~second~~ first Tuesday after the third Monday in August ~~June~~ in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07. The date of a school district primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

Sec. 11. Minnesota Statutes 2012, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose nominees for school board by a primary election, affidavits of candidacy must be filed with the school district clerk no earlier than the 84th day and no later than the 70th day before the ~~second~~ first Tuesday after the third Monday in August ~~June~~ in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed no earlier than the 98th day and no later than the 84th day before the school district general election.

Sec. 12. Minnesota Statutes 2012, section 205A.11, subdivision 2a, is amended to read:

Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to the voters who will be voting in a combined polling place for a school district special election. The notice must include the following information: the date of the election, the hours of voting, and the location of the voter's polling place. The notice must be sent by nonforwardable mail to every affected household in the school district with at least one registered voter. The notice must be mailed no later than 14 days before the election. The mailed notice is not required for a school district special election that is held on the ~~second~~ first Tuesday after the third Monday in August ~~June~~, the Tuesday following the first Monday in November, or for a special election conducted entirely by mail. In addition, the mailed notice is not required for voters residing in a township if the school district special election is held on the second Tuesday in March and the town general election is held on that day. A notice that is returned as undeliverable must be forwarded immediately to the county auditor.

Sec. 13. Minnesota Statutes 2012, section 206.61, subdivision 5, is amended to read:

Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation of names of candidates must be observed as far as practicable by changing the order of the names on an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names must be the same on all voting systems used in the same precinct. If the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot card, the manner of alternation of candidate names on the paper ballot must be as prescribed for optical scan ballots in this subdivision.

The rules adopted by the secretary of state for the rotation of candidate names must use the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ March 1 of the year when the rotation will be made as the basis for determining the rotation of names.

Sec. 14. Minnesota Statutes 2012, section 206.82, subdivision 2, is amended to read:

Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which an electronic voting system is used in more than one municipality and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Before ~~May~~ March 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the Office of Enterprise Technology or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective January 1, 2016, and apply to elections conducted on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; making policy, technical, and clarifying changes to various provisions related to election law, including provisions related to redistricting, voting, absentee voting, vacancies in nomination, recounts, challengers, and election administration; providing early voting; modifying eligibility requirements for voting by absentee ballot; establishing the Uniform Faithful Presidential Electors Act; changing the date of the state primary from August to June; appropriating money; amending Minnesota Statutes 2012, sections 13.851, subdivision 10; 103C.225, subdivision 3; 103C.305, subdivision 3; 103C.311, subdivision 2; 201.022, subdivision 1; 201.054, subdivision 2, by adding a subdivision; 201.071, subdivision 2; 201.091, subdivision 8; 201.12, subdivision 3; 201.13, subdivision 1a; 201.14; 201.157; 201.275; 202A.14, subdivision 1; 203B.001; 203B.01, by adding a subdivision; 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivisions 1, 5; 203B.05, subdivision 1; 203B.06, subdivisions 1, 3; 203B.065; 203B.08, subdivision 3; 203B.081; 203B.085; 203B.121, subdivisions 1, 3, 4, 5, by adding a subdivision; 203B.227; 203B.28; 204B.04, by adding a subdivision; 204B.07, subdivision 2; 204B.13, subdivisions 1, 2, 5, by adding subdivisions; 204B.14, subdivisions 2, 4; 204B.18, subdivision 2; 204B.21, subdivision 1; 204B.22, subdivisions 1, 2; 204B.28, subdivisions 1, 2; 204B.32, subdivision 1; 204B.33; 204B.35, subdivision 4; 204B.36, subdivision 1; 204B.45, subdivisions 1, 2; 204B.46; 204C.07, subdivisions 1, 2, 4, by adding a subdivision; 204C.14; 204C.15, subdivision 1; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.35, subdivision 1, by adding a subdivision; 204C.36, subdivision 1; 204D.03, subdivision 1; 204D.08, subdivision 6; 204D.09, subdivisions 1, 2; 204D.11, subdivisions 1, 4, 5, 6; 204D.13, subdivision 3; 204D.14, subdivisions 1, 3; 204D.15, subdivision 3; 204D.16; 204D.165; 204D.19, subdivision 2, by

adding a subdivision; 204D.28, subdivision 5; 205.02, subdivision 2; 205.065, subdivisions 1, 2; 205.10, subdivision 3; 205.13, subdivision 1a, by adding a subdivision; 205.16, subdivisions 4, 5; 205.17, subdivisions 1, 3; 205A.03, subdivisions 1, 2; 205A.04, by adding a subdivision; 205A.05, subdivisions 1, 2; 205A.06, subdivision 1a, by adding a subdivision; 205A.07, subdivisions 3, 3a, 3b; 205A.08, subdivision 1; 205A.11, subdivision 2a; 206.61, subdivisions 4, 5; 206.82, subdivisions 1, 2; 206.83; 206.89, subdivisions 2, 3; 206.895; 206.90, subdivision 6; 208.02; 208.03; 208.04, subdivisions 1, 2; 208.06; 209.01, subdivision 2; 211B.045; 211B.37; 241.065, subdivision 2; 340A.416, subdivisions 2, 3; 340A.602; 375.20; 447.32, subdivisions 2, 3, 4; Laws 1963, chapter 276, section 2, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 2; 203B; 204B; 208; 244; repealing Minnesota Statutes 2012, sections 2.444; 2.484; 203B.04, subdivision 6; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 6; 204B.42; 204D.11, subdivisions 2, 3; 205.17, subdivisions 2, 4; 205A.08, subdivision 4; 208.07; 208.08."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 357: A bill for an act relating to public health; banning formaldehyde in certain children's products; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, before the period, insert "as amended through February 15, 2013"

Page 1, line 16, after "may" insert "knowingly"

Page 2, line 3, after "chemical" insert "known to the manufacturer to have been"

Page 2, delete line 12 and insert:

"EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date."

And when so amended the bill do pass and be re-referred to the Committee on Health, Human Services and Housing. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 588: A bill for an act relating to health occupations; establishing a criminal background check process for individuals licensed by the health-related licensing boards; appropriating money; amending Minnesota Statutes 2012, section 13.411, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 214.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete "or the commissioner"

Page 2, line 34, delete "(a) State criminal" and insert "Criminal"

Page 3, delete lines 1 to 3

Page 3, line 12, after the period, insert "This subdivision does not affect the right of the subject of the data to contest the accuracy or completeness under section 13.04, subdivision 4."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 683: A bill for an act relating to private detectives; exempting certified public accounting services from licensure requirements; amending Minnesota Statutes 2012, section 326.3341.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete line 8 and insert "(8) a certified public accountant or a CPA firm, while"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 379: A bill for an act relating to children's health; prohibiting sale of children's food containers containing bisphenol-A; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 8 and 10, after "may" insert "knowingly"

Page 1, line 22, after "chemical" insert "known to the manufacturer to have been"

Page 2, delete line 9 and insert:

"EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date."

And when so amended the bill do pass and be re-referred to the Committee on Health, Human Services and Housing. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 7: A bill for an act relating to protected persons; guardians and conservators; modifying provisions related to the appointment of guardians and conservators; increasing background study fee; modifying contents of annual reports made by guardians and conservators; amending Minnesota Statutes 2012, sections 245C.32, subdivision 2; 524.5-118, subdivision 1, by adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 466: A bill for an act relating to public health; protecting children from exposure to harmful chemicals in products; amending criteria for identification of priority chemicals; requiring disclosure by manufacturers of children's products that contain harmful chemicals; authorizing Pollution Control Agency to prohibit sales of children's products that contain harmful chemicals; providing waiver process; establishing fees; requiring a report; amending Minnesota Statutes 2012, sections 13.7411, subdivision 8; 116.9401; 116.9403; 116.9405; 116.9406; proposing coding for new law in Minnesota Statutes, chapter 116.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, after line 26, insert:

"Subd. 7. **Criminal penalty.** A knowing violation of this section that involves a prohibited sale of a children's product is a misdemeanor."

Page 10, line 15, delete everything after the comma and insert "subdivisions 1, 3, 4, 5, and 6. Section 115.071, subdivision 2, does not apply to violations of sections 116.9401 to 116.9419."

And when so amended the bill do pass and be re-referred to the Committee on Health, Human Services and Housing. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 534: A bill for an act relating to civil actions; changing the limitation period for civil actions involving sexual abuse; amending Minnesota Statutes 2012, section 541.073.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "the definition given in section 645.44" and insert "a natural person, corporation, limited liability company, partnership, organization, association, or other entity"

Page 1, line 24, reinstate the stricken language

Page 2, line 1, reinstate "abuse against the plaintiff, or (2)"

Page 2, line 2, delete ", corporation, organization, or other entity that is a cause of the plaintiff's damages" and insert "negligence"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 211: A bill for an act relating to data practices; enhancing certain penalties and procedures related to unauthorized access to data by a public employee; amending Minnesota Statutes 2012, sections 13.05, subdivision 5; 13.055; 13.09.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 13.04, subdivision 3, is amended to read:

Subd. 3. **Access to data by individual.** (a) Upon request to a responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

(b) Notwithstanding section 13.15 or 13.43, or other law to the contrary, upon request, an individual has access to the name of persons who have obtained access to private data on the individual, unless the data would identify an undercover law enforcement officer or are active investigative data.

(c) The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

Sec. 2. Minnesota Statutes 2012, section 13.05, subdivision 5, is amended to read:

Subd. 5. **Data protection.** (a) The responsible authority shall:

(1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and

(2) establish appropriate security safeguards for all records containing data on individuals, including procedures for ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data, and is only being accessed by those persons for purposes described in the procedure; and

(3) develop a policy incorporating these procedures, which may include a model policy governing access to the data if sharing of the data with other government entities is authorized by law.

(b) When not public data is being disposed of, the data must be destroyed in a way that prevents its contents from being determined.

Sec. 3. Minnesota Statutes 2012, section 13.055, is amended to read:

13.055 STATE AGENCIES; DISCLOSURE OF BREACH IN SECURITY; NOTIFICATION AND INVESTIGATION REPORT REQUIRED.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Breach of the security of the data" means unauthorized acquisition of or access to data maintained by a ~~state agency~~ government entity that compromises the security and classification of the data. Good faith acquisition of or access to government data by an employee, contractor, or agent of a ~~state agency~~ government entity for the purposes of the ~~state agency~~ entity is not a breach of the security of the data, if the government data is not provided to or viewable by an unauthorized person, or accessed for a purpose not described in the procedures required by section 13.05, subdivision 5. For purposes of this paragraph, data maintained by a government entity includes data maintained by a person under a contract with the government entity that provides for the acquisition of or access to the data by an employee, contractor, or agent of the government entity.

(b) "Contact information" means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the ~~state agency~~ government entity.

(c) "Unauthorized acquisition" means that a person has obtained or viewed government data without the informed consent of the individuals who are the subjects of the data or statutory authority and with the intent to use the data for nongovernmental purposes.

(d) "Unauthorized person" means any person who accesses government data ~~without permission or without a work assignment that reasonably requires the person to have access to the data, or regardless of the person's work assignment, for a purpose not described in the procedures required by section 13.05, subdivision 5.~~

Subd. 2. **Notice to individuals; investigation report.** (a) ~~A state agency government entity that collects, creates, receives, maintains, or disseminates private or confidential data on individuals must disclose any breach of the security of the data following discovery or notification of the breach. Notification must be made to any individual who is the subject of the data and whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person and must inform the individual that a report will be prepared under paragraph (b), how the individual may obtain access to the report, and that the individual may request delivery of the report by mail or e-mail. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with (1) the legitimate needs of a law enforcement agency as provided in subdivision 3; or (2) any measures necessary to determine the scope of the breach and restore the reasonable security of the data.~~

(b) Upon completion of an investigation into any breach in the security of data, the responsible authority shall prepare a report on the facts and results of the investigation. If the breach involves unauthorized access to or acquisition of data by an employee, contractor, or agent of the government entity, the report must at a minimum include:

- (1) a description of the data that were accessed or acquired;
- (2) the number of individuals whose data was improperly accessed or acquired;
- (3) if there has been final disposition of disciplinary action for purposes of section 13.43, the name of each employee determined to be responsible for the unauthorized access or acquisition;
- (4) the final disposition of any disciplinary action taken against each employee in response; and
- (5) if disciplinary action was determined to be unnecessary, the specific findings and reasons for that determination.

The report must not include data that are not public under other law. The report is public and must be posted on the government entity's Web site, if the government entity maintains a Web site, and provided to an individual who received the notification under paragraph (a) and requested delivery of the report. If the government entity does not maintain a Web site, the report must be posted on the principal bulletin board of the government entity, or if the government entity does not have a principal bulletin board, on the door of its usual meeting room.

Subd. 3. **Delayed notice.** The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede an active criminal investigation. The notification required by this section must be made after the law enforcement agency determines that it will not compromise the investigation.

Subd. 4. **Method of notice.** Notice under this section may be provided by one of the following methods:

- (a) written notice by first class mail to each affected individual;

(b) electronic notice to each affected individual, if the notice provided is consistent with the provisions regarding electronic records and signatures as set forth in United States Code, title 15, section 7001; or

(c) substitute notice, if the state agency government entity demonstrates that the cost of providing the written notice required by paragraph (a) would exceed \$250,000, or that the affected class of individuals to be notified exceeds 500,000, or the state agency government entity does not have sufficient contact information. Substitute notice consists of all of the following:

(i) e-mail notice if the state agency government entity has an e-mail address for the affected individuals;

(ii) conspicuous posting of the notice on the Web site page of the state agency government entity, if the state agency government entity maintains a Web site; and

(iii) notification to major media outlets that reach the general public within the government entity's jurisdiction.

Subd. 5. **Coordination with consumer reporting agencies.** If the state agency government entity discovers circumstances requiring notification under this section of more than 1,000 individuals at one time, the state agency government entity must also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in United States Code, title 15, section 1681a, of the timing, distribution, and content of the notices.

Subd. 6. **Security assessments.** At least annually, each government entity shall conduct a comprehensive security assessment of any personal information maintained by the government entity. For the purposes of this subdivision, personal information is defined under section 325E.61, subdivision 1, paragraphs (e) and (f).

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to security breaches occurring on or after that date.

Sec. 4. Minnesota Statutes 2012, section 13.09, is amended to read:

13.09 PENALTIES.

(a) Any person who willfully violates the provisions of this chapter or any rules adopted under this chapter or whose conduct constitutes the knowing unauthorized acquisition of not public data, as defined in section 13.055, subdivision 1, is guilty of a misdemeanor.

(b) Willful violation of this chapter by, including any action subject to a criminal penalty under paragraph (a), by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date."

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 286: A bill for an act relating to judiciary; modifying provisions governing public hearings in juvenile court proceedings; amending Minnesota Statutes 2012, section 260B.163, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 10 to 12 and insert:

"(3) the court determines that the benefit to public safety of holding an open hearing outweighs the consequences for the child of the resulting public record. In determining the benefit to public safety, the court shall consider the relevant public safety factors enumerated in section 260B.125, subdivision 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Latz from the Committee on Judiciary, to which was referred

S.F. No. 385: A bill for an act relating to data practices; classifying data related to automated license plate readers; requiring a log of use; requiring data to be destroyed in certain circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision to read:

Subd. 31. **Automated license plate reader.** (a) As used in this subdivision, "automated license plate reader" means an electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes.

(b) Data collected by an automated license plate reader are confidential data on individuals or protected nonpublic data if the data are or become active criminal investigative data.

(c) Data collected by an automated license plate reader that are not classified under paragraph (b) are private data on individuals or nonpublic data.

(d) Notwithstanding section 138.17, data collected by an automated license plate reader must be destroyed:

(1) 90 days from the time of collection, if the data are classified under paragraph (c); or

(2) upon request of a program participant under chapter 5B, at the time of collection or upon receipt of the request, whichever occurs later, unless the data are classified under paragraph (b).

Data on a request of a program participant under clause (2) are private data on individuals.

(e) A law enforcement agency that installs or uses an automated license plate reader must maintain a log of its use, including:

(1) specific times of day that the reader actively collected data; and

(2) the aggregate number of vehicles or license plates on which data are collected for each period of active use.

Data in a log required under this paragraph are public.

(f) In addition to the log required under paragraph (e), the law enforcement agency must maintain records showing the date the data were collected and whether the data are classified under paragraph (b) or (c). The Department of Public Safety shall conduct a biennial audit of the records to determine whether data currently in the records are classified and destroyed as required under this subdivision. Data in the records required under this paragraph are classified as provided in paragraph (b) or (c). Summary results of the audit are public.

(g) A law enforcement agency must comply with sections 13.05, subdivision 5; and 13.055 in the operation of automated license plate readers and access to the data.

EFFECTIVE DATE. This section is effective the day following final enactment. Data collected before the effective date of this section must be destroyed, if required by this section, no later than 15 days after the date this section becomes effective."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Metzen from the Committee on Commerce, to which was referred

S.F. No. 446: A bill for an act relating to insurance; regulating the public employees insurance program; requiring participation by certain school employers; amending Minnesota Statutes 2012, section 43A.316, subdivisions 2, 4, 5, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 3, delete "Local"

Page 3, line 4, delete "Council 5"

Page 4, line 10, delete "must" and insert "may"

Page 4, line 12, delete everything after the period

Page 4, delete lines 13 to 25

Page 4, line 26, delete "(2)" and insert "(1)"

Page 4, line 28, delete "(3)" and insert "(2)"

Page 5, line 1, delete "(4)" and insert "(3)"

Page 5, delete lines 5 to 19

Page 5, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 2012, section 43A.316, is amended by adding a subdivision to read:

Subd. 13. **Start-up funding; administration of ongoing revenues and expenses.** (a) The commissioner of management and budget shall use the funds available in the insurance trust fund under section 43A.316, subdivision 9, in the form of temporary funding to pay for the administrative start-up costs and reserves necessary under this act. In addition to the amounts of

temporary funding, the commissioner shall determine the amount of interest lost to the insurance trust fund as a result of the temporary funding.

(b) The commissioner of management and budget shall impose an enrollment fee upon the premium charged for the first three months of coverage under the school employee insurance program created in this act sufficient to repay to the insurance trust fund the loans provided to cover the start-up costs incurred by the commissioner under paragraph (a), plus foregone interest to the insurance trust fund, as determined under paragraph (a). The commissioner shall deposit the enrollment fees in the insurance trust fund.

(c) All costs incurred and revenue received by the commissioner of management and budget under this act in addition to those dealt with in paragraphs (a) and (b) shall, on an ongoing basis, be deposited into and paid out of the insurance trust fund."

Amend the title as follows:

Page 1, line 3, delete "requiring" and insert "allowing"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 825: A bill for an act relating to health; making changes to the Medical Practice Act; amending Minnesota Statutes 2012, sections 147.001; 147.01, subdivision 1; 147.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, before "or" insert "the National Board of Osteopathic Examiners,"

Page 3, line 2, after the period, insert "The applicant taking the College of Osteopathic Medical Licensure Examination (COMLEX) must pass all three steps within six attempts."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 894: A bill for an act relating to health; making changes to resident reimbursement classifications; amending Minnesota Statutes 2012, section 144.0724.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 872: A bill for an act relating to human services; modifying provisions related to fair hearings and internal audits; creating the Cultural and Ethnic Leadership Communities Council; removing obsolete language; making technical changes; amending Minnesota Statutes 2012, sections 245.4661, subdivisions 2, 6; 245.482, subdivision 5; 256.01, subdivision 2; 256.017, subdivision 1; 256.045, subdivisions 1, 3, 4; 256.0451, subdivisions 5, 13, 22, 24; 256B.055,

subdivision 12; 256B.057, subdivision 3b; 256D.02, subdivision 12a; 256J.30, subdivisions 8, 9; 256J.37, subdivision 3a; 256J.395, subdivision 1; 256J.575, subdivision 3; 256J.626, subdivisions 6, 7, 8; 256J.72, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 2012, sections 245.461, subdivision 3; 245.463, subdivisions 1, 3, 4; 256.01, subdivisions 2a, 13, 23a; 256B.0185; 256D.02, subdivision 4a; 256J.575, subdivision 4; 256J.74, subdivision 4; 256L.04, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 22, delete "60" and insert "90"

Page 4, line 23, after "cause" insert ", as defined in section 256.0451, subdivision 13,"

Page 4, line 24, delete everything after the period

Page 4, delete lines 25, 26, and 27

Page 4, line 28, delete "the notice of action."

Page 35, delete section 15

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 887: A bill for an act relating to health; requiring radon education disclosure for residential real property; changing provisions for tuberculosis standards; changing adverse health events reporting requirements; modifying a poison control provision; providing liability coverage for certain volunteer medical personnel and permitting agreements to conduct criminal background studies; defining occupational therapy practitioners; changing provisions for occupational therapy; amending prescribing authority for legend drugs; amending Minnesota Statutes 2012, sections 144.50, by adding a subdivision; 144.55, subdivision 3; 144.56, by adding a subdivision; 144.7065, subdivisions 2, 3, 4, 5, 6, 7, by adding a subdivision; 144A.04, by adding a subdivision; 144A.45, by adding a subdivision; 144A.752, by adding a subdivision; 144D.08; 145.93, subdivision 3; 145A.04, by adding a subdivision; 145A.06, subdivision 7; 148.6402, by adding a subdivision; 148.6440; 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 144; 145A; repealing Minnesota Statutes 2012, section 146B.03, subdivision 10; Minnesota Rules, parts 4655.3000, subparts 2, 3, 4; 4658.0810, subparts 1, 2; 4658.0815, subparts 1, 2, 3, 4; 4664.0290, subparts 1, 2, 3, 4; 4668.0065, subparts 1, 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, after "property" insert ", before the buyer is obligated under any contract to purchase the residential real property,"

Page 2, line 13, delete "department" and insert "Minnesota Department of Health's"

Page 2, line 15, delete "before the" and insert a period

Page 2, delete line 16

Page 4, lines 24 and 25, delete "provider"

Page 4, line 33, delete "provider" and insert "supervised living facility"

Page 5, line 16, delete "provider"

Page 5, line 24, delete "provider" and insert "outpatient surgical center"

Page 5, lines 27 and 28, delete "provider"

Page 6, line 1, delete "provider" and insert "boarding care home "

Page 9, line 1, delete "home providers" and insert "homes"

Page 9, line 10, delete "provider" and insert "nursing home"

Page 9, line 21, before "provider" insert "home care"

Page 9, line 34, before "provider" insert "hospice"

Page 12, line 26, delete everything after "Corps"

Page 13, line 1, after "deny" insert "an application from"

Page 14, after line 27, insert:

"Sec. 20. Minnesota Statutes 2012, section 146B.02, subdivision 2, is amended to read:

Subd. 2. **Requirements.** (a) Each application for an initial mobile or fixed-site establishment license and for renewal must be submitted to the commissioner on a form provided by the commissioner accompanied with the applicable fee required under section 146B.10. The application must contain:

- (1) the name(s) of the owner(s) and operator(s) of the establishment;
- (2) the location of the establishment;
- (3) verification of compliance with all applicable local and state codes;
- (4) a description of the general nature of the business; and
- (5) any other relevant information deemed necessary by the commissioner.

(b) The commissioner shall issue a provisional establishment license effective until the commissioner determines after inspection that the applicant has met the requirements of this chapter. Upon approval, the commissioner shall issue a body art establishment license effective for three years.

Sec. 21. Minnesota Statutes 2012, section 146B.02, subdivision 8, is amended to read:

Subd. 8. **Temporary events permit.** (a) An owner or operator of a temporary body art establishment shall submit an application for a temporary events permit to the commissioner at least 14 days before the start of the event. The application must include the specific days and hours of operation. The owner or operator shall comply with the requirements of this chapter.

(b) Applications received less than 14 days prior to the start of the event may be processed if the commissioner determines it is possible to conduct the required inspection.

(b) (c) The temporary events permit must be prominently displayed in a public area at the location.

(e) (d) The temporary events permit, if approved, is valid for the specified dates and hours listed on the application. No temporary events permit shall be issued for longer than a 21-day period, and may not be extended.

Sec. 22. Minnesota Statutes 2012, section 146B.03, is amended by adding a subdivision to read:

Subd. 11. **Penalty.** Any person who violates the provisions of subdivision 1 is guilty of a gross misdemeanor.

Sec. 23. Minnesota Statutes 2012, section 146B.07, subdivision 5, is amended to read:

Subd. 5. **Aftercare.** A technician shall provide each client with verbal and written instructions for the care of the tattooed or pierced site upon the completion of the procedure. The written instructions must advise the client of the difference between normal skin or tissue irritation and infection and to consult a health care professional at the first sign upon indication of infection of the skin or tissue."

Page 20, after line 6, insert:

"Sec. 26. Minnesota Statutes 2012, section 148.7802, subdivision 3, is amended to read:

Subd. 3. **Approved education program.** "Approved education program" means a university, college, or other postsecondary education program of athletic training that, at the time the student completes the program, is approved or accredited by the National Athletic Trainers Association Professional Education Committee, the National Athletic Trainers Association Board of Certification, or the Joint Review Committee on Educational Programs in Athletic Training in collaboration with the American Academy of Family Physicians, the American Academy of Pediatrics, the American Medical Association, and the National Athletic Trainers Association a nationally recognized accreditation agency for athletic training education programs approved by the board.

Sec. 27. Minnesota Statutes 2012, section 148.7802, subdivision 9, is amended to read:

Subd. 9. **Credentialing examination.** "Credentialing examination" means an examination administered by the National Athletic Trainers Association Board of Certification, or their recognized successor, for credentialing as an athletic trainer, or an examination for credentialing offered by a national testing service that is approved by the board.

Sec. 28. Minnesota Statutes 2012, section 148.7803, is amended to read:

148.7803 DESIGNATION OF ATHLETIC TRAINER.

Subdivision 1. **Designation.** A person shall not use in connection with the person's name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota registered athletic trainer; athletic trainer; AT; ATR; or any words, letters, abbreviations, or insignia indicating or implying that the person is an athletic trainer, without a certificate of registration as an athletic trainer issued under sections 148.7808 to 148.7810. A student attending a college or university athletic training program must be identified as a "student athletic trainer."

Subd. 2. **Penalty.** A person who violates this section is guilty of a misdemeanor and subject to section 214.11.

Sec. 29. Minnesota Statutes 2012, section 148.7805, subdivision 1, is amended to read:

Subdivision 1. **Creation; Membership.** The Athletic Trainers Advisory Council is created and is composed of eight members appointed by the board. The advisory council consists of:

- (1) two public members as defined in section 214.02;
- (2) three members who, ~~except for initial appointees,~~ are registered athletic trainers, one being both a licensed physical therapist and registered athletic trainer as submitted by the Minnesota American Physical Therapy Association;
- (3) two members who are medical physicians licensed by the state and have experience with athletic training and sports medicine; and
- (4) one member who is a doctor of chiropractic licensed by the state and has experience with athletic training and sports injuries.

Sec. 30. Minnesota Statutes 2012, section 148.7808, subdivision 1, is amended to read:

Subdivision 1. **Registration.** The board may issue a certificate of registration as an athletic trainer to applicants who meet the requirements under this section. An applicant for registration as an athletic trainer shall pay a fee under section 148.7815 and file a written application on a form, provided by the board, that includes:

- (1) the applicant's name, Social Security number, home address and telephone number, business address and telephone number, and business setting;
- (2) evidence satisfactory to the board of the successful completion of an education program approved by the board;
- (3) educational background;
- (4) proof of a baccalaureate or master's degree from an accredited college or university;
- (5) credentials held in other jurisdictions;
- (6) a description of any other jurisdiction's refusal to credential the applicant;
- (7) a description of all professional disciplinary actions initiated against the applicant in any other jurisdiction;
- (8) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;
- (9) evidence satisfactory to the board of a qualifying score on a credentialing examination ~~within one year of the application for registration;~~
- (10) additional information as requested by the board;
- (11) the applicant's signature on a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(12) the applicant's signature on a waiver authorizing the board to obtain access to the applicant's records in this state or any other state in which the applicant has completed an education program approved by the board or engaged in the practice of athletic training.

Sec. 31. Minnesota Statutes 2012, section 148.7808, subdivision 4, is amended to read:

Subd. 4. **Temporary registration.** (a) The board may issue a temporary registration as an athletic trainer to qualified applicants. A temporary registration is issued for ~~one year~~ 120 days. An athletic trainer with a temporary registration may qualify for full registration after submission of verified documentation that the athletic trainer has achieved a qualifying score on a credentialing examination within ~~one year~~ 120 days after the date of the temporary registration. A temporary registration may not be renewed.

(b) Except as provided in subdivision 3, paragraph (a), clause (1), an applicant for a temporary registration must submit the application materials and fees for registration required under subdivision 1, clauses (1) to (8) and (10) to (12).

(c) An athletic trainer with a temporary registration shall work only under the direct supervision of an athletic trainer registered under this section. No more than four athletic trainers with temporary registrations shall work under the direction of a registered athletic trainer.

Sec. 32. Minnesota Statutes 2012, section 148.7812, subdivision 2, is amended to read:

Subd. 2. **Approved programs.** The board shall approve a continuing education program that has been approved for continuing education credit by the ~~National Athletic Trainers Association~~ Board of Certification, or its recognized successor.

Sec. 33. Minnesota Statutes 2012, section 148.7813, is amended by adding a subdivision to read:

Subd. 5. **Discipline; reporting.** For the purposes of this chapter, licensed athletic trainers and applicants are subject to the provisions of sections 147.091 to 147.162.

Sec. 34. Minnesota Statutes 2012, section 148.7814, is amended to read:

148.7814 APPLICABILITY.

Sections 148.7801 to 148.7815 do not apply to persons who are certified as athletic trainers by the ~~National Athletic Trainers Association~~ Board of Certification or the board's recognized successor and come into Minnesota for a specific athletic event or series of athletic events with an individual or group."

Page 22, delete lines 25 and 26 and insert:

"(k) Nothing in this chapter prohibits the commissioner of health, if a licensed practitioner, or, if not a licensed practitioner, a designee of the commissioner who is a licensed practitioner,"

Page 22, line 31, delete everything after "10" and insert ""; 325F.814; and 609.2246, are repealed."

Page 23, after line 2, insert:

"(c) Minnesota Statutes 2012, sections 148.7808, subdivision 2; and 148.7813, are repealed."

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 730: A bill for an act relating to economic development; modifying the small business investment credit; amending Minnesota Statutes 2012, section 116J.8737, subdivisions 1, 2, 5, 8.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 116J.8737, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Qualified small business" means a business that has been certified by the commissioner under subdivision 2.

(c) "Qualified investor" means an investor who has been certified by the commissioner under subdivision 3.

(d) "Qualified fund" means a pooled angel investment network fund that has been certified by the commissioner under subdivision 4.

(e) "Qualified investment" means a cash investment in a qualified small business of a minimum of:

(1) \$10,000 in a calendar year by a qualified investor; or

(2) \$30,000 in a calendar year by a qualified fund.

A qualified investment must be made in exchange for common stock, a partnership or membership interest, preferred stock, ~~debt with mandatory conversion to equity~~, or an equivalent ownership interest as determined by the commissioner.

(f) "Family" means a family member within the meaning of the Internal Revenue Code, section 267(c)(4).

(g) "Pass-through entity" means a corporation that for the applicable taxable year is treated as an S corporation or a general partnership, limited partnership, limited liability partnership, trust, or limited liability company and which for the applicable taxable year is not taxed as a corporation under chapter 290.

(h) "Intern" means a student of an accredited institution of higher education, or a former student who has graduated in the past six months from an accredited institution of higher education, who is employed by a qualified small business in a nonpermanent position for a duration of nine months or less that provides training and experience in the primary business activity of the business.

(i) "Qualified greater Minnesota business" means a qualified small business that is also certified by the commissioner as a qualified greater Minnesota business under subdivision 2, paragraph (h).

(j) "Liquidation event" means a conversion of qualified investment for cash, cash and other consideration, or any other form of equity or debt interest.

EFFECTIVE DATE. This section is effective for qualified small businesses certified after June 30, 2013.

Sec. 2. Minnesota Statutes 2012, section 116J.8737, subdivision 2, is amended to read:

Subd. 2. **Certification of qualified small businesses.** (a) Businesses may apply to the commissioner for certification as a qualified small business for a calendar year. In addition, the business' application may request certification as a qualified greater Minnesota business under paragraph (h). The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$150. Application fees are deposited in the small business investment tax credit administration account in the special revenue fund. The application for certification for 2010 must be made available on the department's Web site by August 1, 2010. Applications for subsequent years' certification must be made available on the department's Web site by November 1 of the preceding year.

(b) Within 30 days of receiving an application for certification under this subdivision, the commissioner must either certify the business as satisfying the conditions required of a qualified small business or a qualified greater Minnesota business, request additional information from the business, or reject the application for certification. If the commissioner requests additional information from the business, the commissioner must either certify the business or reject the application within 30 days of receiving the additional information. If the commissioner neither certifies the business nor rejects the application within 30 days of receiving the original application or within 30 days of receiving the additional information requested, whichever is later, then the application is deemed rejected, and the commissioner must refund the \$150 application fee. A business that applies for certification and is rejected may reapply.

(c) To receive certification as a qualified small business, a business must satisfy all of the following conditions:

(1) the business has its headquarters in Minnesota;

(2) at least 51 percent of the business's employees are employed in Minnesota, and 51 percent of the business's total payroll is paid or incurred in the state;

(3) the business is engaged in, or is committed to engage in, innovation in Minnesota in one of the following as its primary business activity:

(i) using proprietary technology to add value to a product, process, or service in a qualified high-technology field;

(ii) researching or developing a proprietary product, process, or service in a qualified high-technology field; or

(iii) researching, developing, or producing a new proprietary technology for use in the fields of agriculture, tourism, forestry, mining, manufacturing, or transportation;

(4) other than the activities specifically listed in clause (3), the business is not engaged in real estate development, insurance, banking, lending, lobbying, political consulting, information technology consulting, wholesale or retail trade, leisure, hospitality, transportation, construction,

ethanol production from corn, or professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants;

(5) the business has fewer than 25 employees;

(6) the business must pay its employees annual wages of at least 175 percent of the federal poverty guideline for the year for a family of four and must pay its interns annual wages of at least 175 percent of the federal minimum wage used for federally covered employers, except that this requirement must be reduced proportionately for employees and interns who work less than full-time, and does not apply to an executive, officer, or member of the board of the business, or to any employee who owns, controls, or holds power to vote more than 20 percent of the outstanding securities of the business;

(7) the business has not been in operation for more than ten years;

(8) the business has not previously received private equity investments of more than \$4,000,000; ~~and~~

(9) the business is not an entity disqualified under section 80A.50, paragraph (b), clause (3);

(10) the business has not issued securities that are traded on a public exchange; and

(11) the proprietary technology is not older than ten years.

(d) In applying the limit under paragraph (c), clause (5), the employees in all members of the unitary business, as defined in section 290.17, subdivision 4, must be included.

(e) In order for a qualified investment in a business to be eligible for tax credits;

(1) the business must have applied for and received certification for the calendar year in which the investment was made prior to the date on which the qualified investment was made;

(2) the business must not have issued securities that are traded on a public exchange;

(3) the business must not issue securities that are traded on a public exchange within 180 days after the date on which the qualified investment was made; and

(4) the business must not have a liquidation event within 180 days after the date on which the qualified investment was made.

(f) The commissioner must maintain a list of qualified small businesses and qualified greater Minnesota businesses certified under this subdivision for the calendar year and make the list accessible to the public on the department's Web site.

(g) For purposes of this subdivision, the following terms have the meanings given:

(1) "qualified high-technology field" includes aerospace, agricultural processing, renewable energy, energy efficiency and conservation, environmental engineering, food technology, cellulosic ethanol, information technology, materials science technology, nanotechnology, telecommunications, biotechnology, medical device products, pharmaceuticals, diagnostics, biologicals, chemistry, veterinary science, and similar fields; ~~and~~

(2) "proprietary technology" means the technical innovations that are unique and legally owned or licensed by a business and includes, without limitation, those innovations that are patented, patent pending, a subject of trade secrets, or copyrighted; and

(3) "greater Minnesota" means the area of Minnesota located outside of the metropolitan area as defined in section 473.121, subdivision 2.

(h) To receive certification as a qualified greater Minnesota business, a business must satisfy all of the requirements of paragraph (c) and must satisfy the following conditions:

(1) the business has its headquarters in greater Minnesota; and

(2) at least 51 percent of the business's employees are employed in greater Minnesota, and 51 percent of the business's total payroll is paid or incurred in greater Minnesota.

EFFECTIVE DATE. This section is effective for qualified small businesses certified after June 30, 2013.

Sec. 3. Minnesota Statutes 2012, section 116J.8737, subdivision 5, is amended to read:

Subd. 5. **Credit allowed.** (a) A qualified investor or qualified fund is eligible for a credit equal to:

(1) 25 percent of the qualified investment in a qualified small business; or

(2) 50 percent of the qualified investment in a qualified greater Minnesota business. Investments made by a pass-through entity qualify for a credit only if the entity is a qualified fund. The commissioner must not allocate more than \$11,000,000 in credits to qualified investors or qualified funds for taxable years beginning after December 31, 2009, and before January 1, 2011, and must not allocate more than \$12,000,000 in credits per year for taxable years beginning after December 31, 2010, and before January 1, 2013, or more than \$20,000,000 in credits per taxable year for taxable years beginning after December 31, 2012, and before January 1, 2015. Any portion of a taxable year's credits that is not allocated by the commissioner does not cancel and may be carried forward to subsequent taxable years until all credits have been allocated.

(b) The commissioner may not allocate more than a total maximum amount in credits for a taxable year to a qualified investor for the investor's cumulative qualified investments as an individual qualified investor and as an investor in a qualified fund; for married couples filing joint returns the maximum is \$250,000, and for all other filers the maximum is \$125,000. The commissioner may not allocate more than a total of \$1,000,000 in credits over all taxable years for qualified investments in any one qualified small business.

(c) The commissioner may not allocate a credit to a qualified investor either as an individual qualified investor or as an investor in a qualified fund if the investor receives more than 50 percent of the investor's gross annual income from the qualified small business in which the qualified investment is proposed. A member of the family of an individual disqualified by this paragraph is not eligible for a credit under this section. For a married couple filing a joint return, the limitations in this paragraph apply collectively to the investor and spouse. For purposes of determining the ownership interest of an investor under this paragraph, the rules under section 267(c) and 267(e) of the Internal Revenue Code apply.

(d) Applications for tax credits for 2010 must be made available on the department's Web site by September 1, 2010, and the department must begin accepting applications by September 1, 2010. Applications for subsequent years must be made available by November 1 of the preceding year.

(e) Qualified investors and qualified funds must apply to the commissioner for tax credits. Tax credits must be allocated to qualified investors or qualified funds in the order that the tax credit request applications are filed with the department. The commissioner must approve or reject tax credit request applications within 15 days of receiving the application. The investment specified in the application must be made within 60 days of the allocation of the credits. If the investment is not made within 60 days, the credit allocation is canceled and available for reallocation. A qualified investor or qualified fund that fails to invest as specified in the application, within 60 days of allocation of the credits, must notify the commissioner of the failure to invest within five business days of the expiration of the 60-day investment period.

(f) All tax credit request applications filed with the department on the same day must be treated as having been filed contemporaneously. If two or more qualified investors or qualified funds file tax credit request applications on the same day, and the aggregate amount of credit allocation claims exceeds the aggregate limit of credits under this section or the lesser amount of credits that remain unallocated on that day, then the credits must be allocated among the qualified investors or qualified funds who filed on that day on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one qualified investor or qualified fund is the product obtained by multiplying a fraction, the numerator of which is the amount of the credit allocation claim filed on behalf of a qualified investor and the denominator of which is the total of all credit allocation claims filed on behalf of all applicants on that day, by the amount of credits that remain unallocated on that day for the taxable year.

(g) A qualified investor or qualified fund, or a qualified small business acting on their behalf, must notify the commissioner when an investment for which credits were allocated has been made, and the taxable year in which the investment was made. A qualified fund must also provide the commissioner with a statement indicating the amount invested by each investor in the qualified fund based on each investor's share of the assets of the qualified fund at the time of the qualified investment. After receiving notification that the investment was made, the commissioner must issue credit certificates for the taxable year in which the investment was made to the qualified investor or, for an investment made by a qualified fund, to each qualified investor who is an investor in the fund. The certificate must state that the credit is subject to revocation if the qualified investor or qualified fund does not hold the investment in the qualified small business for at least three years, consisting of the calendar year in which the investment was made and the two following years. The three-year holding period does not apply if:

(1) the investment by the qualified investor or qualified fund becomes worthless before the end of the three-year period;

(2) 80 percent or more of the assets of the qualified small business is sold before the end of the three-year period;

(3) the qualified small business is sold before the end of the three-year period; or

(4) the qualified small business's common stock begins trading on a public exchange before the end of the three-year period.

(h) The commissioner must notify the commissioner of revenue of credit certificates issued under this section.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2012.

Sec. 4. Minnesota Statutes 2012, section 116J.8737, subdivision 7, is amended to read:

Subd. 7. **Revocation of credits.** (a) If the commissioner determines that a qualified investor or qualified fund did not meet the three-year holding period required in subdivision 5, paragraph (g), any credit allocated and certified to the investor or fund is revoked and must be repaid by the investor.

(b) If the commissioner determines that a business did not meet the employment and payroll requirements in subdivision 2, paragraph (c), clause (2), or (h), clause (2), as applicable, in any of the five calendar years following the year in which an investment in the business that qualified for a tax credit under this section was made, the business must repay the following percentage of the credits allowed for qualified investments in the business:

Year following the year in which the investment was made:	Percentage of credit required to be repaid:
First	100%
Second	80%
Third	60%
Fourth	40%
Fifth	20%
Sixth and later	0

(c) The commissioner must notify the commissioner of revenue of every credit revoked and subject to full or partial repayment under this section.

(d) For the repayment of credits allowed under this section and section 290.0692, a qualified small business, qualified investor, or investor in a qualified fund must file an amended return with the commissioner of revenue and pay any amounts required to be repaid within 30 days after becoming subject to repayment under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2012, section 116J.8737, subdivision 8, is amended to read:

Subd. 8. **Data privacy.** (a) Data contained in an application submitted to the commissioner under subdivision 2, 3, or 4 are nonpublic data, or private data on individuals, as defined in section 13.02, subdivision 9 or 12, except that the following data items are public:

(1) the name, mailing address, telephone number, e-mail address, contact person's name, and industry type of a qualified small business upon approval of the application and certification by the commissioner under subdivision 2;

(2) the name of a qualified investor upon approval of the application and certification by the commissioner under subdivision 3;

(3) the name of a qualified fund upon approval of the application and certification by the commissioner under subdivision 4;

(4) for credit certificates issued under subdivision 5, the amount of the credit certificate issued, amount of the qualifying investment, the name of the qualifying investor or qualifying fund that received the certificate, and the name of the qualifying small business in which the qualifying investment was made;

(5) for credits revoked under subdivision 7, paragraph (a), the amount revoked and the name of the qualified investor or qualified fund; and

(6) for credits revoked under subdivision 7, paragraphs (b) and (c), the amount revoked and the name of the qualified small business.

(b) The following data, including data classified as nonpublic or private, must be provided to the consultant for use in conducting the program evaluation under subdivision 10:

(1) the commissioner of employment and economic development shall provide data contained in an application for certification received from a qualified small business, qualified investor, or qualified fund, and any annual reporting information received on a qualified small business, qualified investor, or qualified fund; and

(2) the commissioner of revenue shall provide data contained in any applicable tax returns of a qualified small business, qualified investor, or qualified fund.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2012, section 116J.8737, subdivision 9, is amended to read:

Subd. 9. **Report to legislature.** Beginning in 2011, the commissioner must annually report by March 15 to the chairs and ranking minority members of the legislative committees having jurisdiction over taxes and economic development in the senate and the house of representatives, in compliance with sections 3.195 and 3.197, on the tax credits issued under this section. The report must include:

(1) the number and amount of the credits issued;

(2) the recipients of the credits;

(3) for each qualified small business, its location, line of business, and if it received an investment resulting in certification of tax credits;

(4) the total amount of investment in each qualified small business resulting in certification of tax credits;

(5) for each qualified small business that received investments resulting in tax credits, the total amount of additional investment that did not qualify for the tax credit;

(6) the number and amount of credits revoked under subdivision 7;

(7) the number and amount of credits that are no longer subject to the three-year holding period because of the exceptions under subdivision 5, paragraph (g), clauses (1) to (4); ~~and~~

(8) the number of qualified small businesses that are women or minority-owned; and

(9) any other information relevant to evaluating the effect of these credits."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 640: A bill for an act relating to economic development; creating a trade policy advisory group; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, after "The" insert "nonlegislator members of the"

Page 1, line 10, delete "11" insert "14"

Page 1, line 13, delete "of" and insert "from each of two separate"

Page 1, after line 17, insert:

"(7) the commissioner of agriculture or designee;"

Page 1, line 18, delete "(7)" and insert "(8)"

Page 1, line 21, delete "(8)" and insert "(9)"

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government. Amendments adopted. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 352: A bill for an act relating to economic development; appropriating money for the Minnesota Film and TV Board; amending Minnesota Statutes 2012, section 116U.26.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, strike "production costs in excess of \$5,000,000" and insert "a minimum Minnesota expenditure of \$1,000,000" and reinstate "~~in the metropolitan area~~"

Page 2, line 23, after "incur" insert "less than \$1,000,000 in Minnesota"

Page 2, line 24, strike "of \$5,000,000 or less"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 644: A bill for an act relating to employment; appropriating money for employment support services for persons with mental illness; amending Minnesota Statutes 2012, sections 245.4712, subdivision 1; 268A.13; 268A.14, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 613: A bill for an act relating to the Public Facilities Authority; reorganizing certain grant programs; providing for small community wastewater treatment grants; amending Minnesota Statutes 2012, sections 446A.073, subdivisions 1, 3, 4; 446A.075, subdivisions 1a, 2, 5; repealing Minnesota Statutes 2012, sections 446A.051, subdivision 2; 446A.074.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Environment and Energy. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 658: A bill for an act relating to labor and industry; allowing the commissioner of labor and industry to issue compliance orders for violations of misrepresentations of employment relationships; amending Minnesota Statutes 2012, section 177.27, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 772, 802, 590, 779, 692, 683, 7, 534, 211, 286, 385, 825, 894 and 658 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Senjem introduced—

S.F. No. 1047: A bill for an act relating to transportation; providing for a Rochester area economic development and transportation study; appropriating money.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 1048: A bill for an act relating to child protection; requiring parent notification of incidents that may involve child maltreatment in a school facility; amending Minnesota Statutes 2012, sections 13.43, subdivision 14; 626.556, subdivision 7.

Referred to the Committee on Judiciary.

Senators Champion, Senjem, Pappas and Marty introduced—

S.F. No. 1049: A bill for an act relating to poverty; requiring commissioners to provide a poverty impact statement on bills when requested by a legislator.

Referred to the Committee on State and Local Government.

Senators Eaton, Rest and Senjem introduced—

S.F. No. 1050: A bill for an act relating to local government; exempting nonprofit organizations from certain fees and charges; proposing coding for new law in Minnesota Statutes, chapter 426.

Referred to the Committee on State and Local Government.

Senator Cohen introduced—

S.F. No. 1051: A bill for an act relating to appropriations; appropriating money from clean water fund and parks and trails fund.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 1052: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land bordering public water.

Referred to the Committee on Environment and Energy.

Senator Lourey introduced—

S.F. No. 1053: A bill for an act relating to taxation; authorizing the city of Moose Lake to impose a local sales and use tax.

Referred to the Committee on Taxes.

Senator Eaton introduced—

S.F. No. 1054: A bill for an act relating to energy; solar energy; requiring the Public Utilities Commission to initiate a proceeding regarding interconnection of distributed generation facilities; providing for the establishment and operation of community solar generating facilities; amending provisions governing the ownership of renewable energy credits; establishing residential solar design standards; amending Minnesota Statutes 2012, sections 216B.02, subdivision 4; 216B.1611, subdivision 2; 216B.1691, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 216B; 500.

Referred to the Committee on Environment and Energy.

Senators Pederson, J. and Saxhaug introduced—

S.F. No. 1055: A bill for an act relating to barbers; changing licenses and fees; creating penalties; appropriating money; amending Minnesota Statutes 2012, sections 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; Laws 2011, First Special Session chapter 4, article 1, section 11; proposing coding for new law in Minnesota Statutes, chapter 154.

Referred to the Committee on State and Local Government.

Senators Hoffman, Johnson, Clausen and Wiklund introduced—

S.F. No. 1056: A bill for an act relating to education finance; creating an annual minimum increase in the general education basic formula allowance; amending Minnesota Statutes 2012, section 126C.10, subdivision 2.

Referred to the Committee on Finance.

Senators Dzedzic, Tomassoni and Hawj introduced—

S.F. No. 1057: A bill for an act relating to state government; proposing the governor's budget for jobs and economic development; increasing certain fees; streamlining construction inspections; creating the Minnesota job creation fund; expanding the Minnesota Trade Offices; creating STEP grants; reducing the unemployment insurance tax; creating the transportation economic development assistance program; repealing the Minnesota Science and Technology Authority; requiring reports; appropriating money to various departments, agencies, and boards; amending Minnesota Statutes 2012, sections 116J.8731, subdivisions 2, 3; 326B.184, subdivisions 1, 2, by adding a subdivision; 326B.37, by adding a subdivision; 326B.49, subdivisions 2, 3; 341.321; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2012, sections 116W.01; 116W.02; 116W.03; 116W.035; 116W.04; 116W.05; 116W.06; 116W.20; 116W.21; 116W.23; 116W.24; 116W.25; 116W.26; 116W.27; 116W.28; 116W.29; 116W.30; 116W.31; 116W.32; 116W.33; 116W.34; Minnesota Rules, part 1307.0032.

Pursuant to Joint Rule 2.03, referred to the Committee on Rules and Administration.

Senators Pappas, Cohen, Dzedzic, Hall and Senjem introduced—

S.F. No. 1058: A bill for an act relating to judiciary; modifying registration of a juvenile as a predatory offender; modifying access to juvenile records; modifying provisions governing hearings in juvenile court proceedings; amending Minnesota Statutes 2012, sections 243.166, subdivisions 1b, 2, 6; 260B.163, subdivision 1; 260B.171, subdivisions 1, 4; 260B.198, subdivision 7.

Referred to the Committee on Judiciary.

Senators Jensen, Goodwin, Metzen, Dahle and Carlson introduced—

S.F. No. 1059: A bill for an act relating to commerce; regulating residential mortgage loan counseling; amending Minnesota Statutes 2012, section 58.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58.

Referred to the Committee on Commerce.

Senator Kiffmeyer introduced—

S.F. No. 1060: A bill for an act relating to capital investment; appropriating money for the Oliver H. Kelley Farm Historic Site; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Jensen and Pederson, J. introduced—

S.F. No. 1061: A bill for an act relating to public safety; requiring the Statewide Radio Board to study and report on long-term funding strategies for the ARMER and 911 systems.

Referred to the Committee on Judiciary.

Senators Carlson and Hoffman introduced—

S.F. No. 1062: A bill for an act relating to insurance; prohibiting certain discriminatory cost-sharing policies for prescription drugs; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce.

Senator Dibble introduced—

S.F. No. 1063: A bill for an act relating to human services; clarifying an exception to the transfer penalty for medical assistance eligibility; amending Minnesota Statutes 2012, sections 256B.056, subdivision 3b; 256B.0595, subdivision 1.

Referred to the Committee on Health, Human Services and Housing.

Senators Sparks, Koenen, Tomassoni and Thompson introduced—

S.F. No. 1064: A bill for an act relating to taxation; sales and use; modifying definition of retail sale relating to amusement devices; amending Minnesota Statutes 2012, section 297A.61, subdivision 4.

Referred to the Committee on Taxes.

Senators Marty and Dibble introduced—

S.F. No. 1065: A bill for an act relating to taxation; sales and use; adding an exemption for vehicles leased by nonprofit corporations; amending Minnesota Statutes 2012, section 297A.64, subdivisions 1, 2.

Referred to the Committee on Taxes.

Senator Marty introduced—

S.F. No. 1066: A bill for an act relating to health; making changes to the violence prevention education program for school districts; establishing a prevention of sexual violence work group; establishing grants; appropriating money; amending Minnesota Statutes 2012, section 120B.22.

Referred to the Committee on Education.

Senators Scalze, Osmek, Hawj, Dziedzic and Bonoff introduced—

S.F. No. 1067: A bill for an act relating to natural resources; appropriating money for operation and maintenance of metropolitan regional parks.

Referred to the Committee on Finance.

Senator Wiger introduced—

S.F. No. 1068: A bill for an act relating to crime; prescribing criminal penalties for assaulting a transit operator; amending Minnesota Statutes 2012, section 609.2231, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Stumpf introduced—

S.F. No. 1069: A bill for an act relating to property taxation; allowing agricultural homestead classification when the homeowner lives off the farm due to flooding; amending Laws 2010, chapter 389, article 1, section 12.

Referred to the Committee on Taxes.

Senator Jensen introduced—

S.F. No. 1070: A bill for an act relating to transportation; appropriating money for four-lane expansion on a segment of marked U.S. Highway 14; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hayden, Champion, Franzen, Rosen and Dzedzic introduced—

S.F. No. 1071: A bill for an act relating to human services; appropriating money for a grant to complete a demonstration project for high-risk adults.

Referred to the Committee on Finance.

Senator Eaton introduced—

S.F. No. 1072: A bill for an act relating to animals; dogs and cats; establishing liability for attacks by cats; amending Minnesota Statutes 2012, section 347.22.

Referred to the Committee on Judiciary.

Senator Jensen introduced—

S.F. No. 1073: A bill for an act relating to commerce; weights and measures; clarifying sales from bulk to ensure compliance with biodiesel fuel mandate; adding a requirement for identical product pricing; making technical updates to bring state into compliance with most recent federal fuel standards; modifying E85 requirements; amending Minnesota Statutes 2012, sections 239.092; 239.751, by adding a subdivision; 239.761, subdivisions 3, 4, 5, 6, 7, 8, 10, 11, 13, 16, 17, by adding a subdivision; 239.77, subdivision 1; 296A.01, subdivision 19.

Referred to the Committee on Commerce.

Senator Eken introduced—

S.F. No. 1074: A bill for an act relating to health; increasing a fee for newborn screening; appropriating money for support services for families who have a child who is deaf or has a hearing loss; adjusting the hospital payment rate; amending Minnesota Statutes 2012, sections 144.125, subdivision 1; 144.966, subdivision 3a; 256.969, subdivision 29.

Referred to the Committee on Finance.

Senators Carlson and Hoffman introduced—

S.F. No. 1075: A bill for an act relating to insurance; requiring coverage for orthotic and prosthetic devices; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce.

Senators Sheran and Dahms introduced—

S.F. No. 1076: A bill for an act relating to transportation; appropriating money for an interchange on marked U.S. Highway 14; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Rosen and Miller introduced—

S.F. No. 1077: A bill for an act relating to human services; modifying provisions related to chemical and mental health and human services licensing; establishing methadone treatment program standards; modifying drug treatment provisions; amending Minnesota Statutes 2012, sections 254B.04, by adding a subdivision; 254B.05, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health, Human Services and Housing.

Senators Clausen and Hoffman introduced—

S.F. No. 1078: A bill for an act relating to human services; appropriating money for Advocating Change Together.

Referred to the Committee on Finance.

Senators Rest, Saxhaug and Chamberlain introduced—

S.F. No. 1079: A bill for an act relating to veterans; appropriating money to public safety for a grant for training community safety personnel about the use of de-escalation techniques for dealing with veterans returning from active military service in combat zones.

Referred to the Committee on Finance.

Senators Saxhaug, Stumpf and Skoe introduced—

S.F. No. 1080: A bill for an act relating to capital investment; appropriating money for a new veterans nursing home in Bemidji; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Rosen introduced—

S.F. No. 1081: A bill for an act relating to health; changing licensing requirements for businesses regulated by the Board of Pharmacy; clarifying requirements for compounding; making changes to the prescription monitoring program; amending Minnesota Statutes 2012, sections 151.01, subdivisions 14, 16, 17, 27, 28, 29, 30, by adding subdivisions; 151.19, subdivisions 1, 3; 151.211; 151.361, subdivision 2; 151.37, subdivision 2, by adding subdivisions; 151.44; 151.47, subdivision 1, by adding a subdivision; 151.49; 152.126; proposing coding for new law in Minnesota Statutes, chapter 151; repealing Minnesota Statutes 2012, sections 151.19, subdivision 2; 151.25; 151.37, subdivision 11; 151.45; 151.47, subdivision 2; 151.48.

Referred to the Committee on Health, Human Services and Housing.

Senators Rest, Latz, Rosen, Thompson and Senjem introduced—

S.F. No. 1082: A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance evaluation commission; appropriating money; amending Minnesota Statutes 2012, sections 10A.01, subdivisions 7, 10, 15; 10A.14, subdivision 1; 10A.20, subdivision 2; 204B.06, subdivision 6; 204B.11, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 480B.01, subdivisions 1, 10; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; 490A; repealing Minnesota Statutes 2012, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

Referred to the Committee on Judiciary.

Senators Clausen and Johnson introduced—

S.F. No. 1083: A bill for an act relating to education; clarifying use of restrictive procedures; appropriating money; amending Minnesota Statutes 2012, sections 125A.0941; 125A.0942.

Referred to the Committee on Education.

Senators Metzen and Sieben introduced—

S.F. No. 1084: A bill for an act relating to emergency medical services; authorizing cities with full-time fire departments to designate ambulance service providers; proposing coding for new law in Minnesota Statutes, chapter 144E.

Referred to the Committee on Health, Human Services and Housing.

Senators Metzen and Sieben introduced—

S.F. No. 1085: A bill for an act relating to local government; authorizing the cities of West St. Paul and South St. Paul to designate the primary ambulance service within the cities.

Referred to the Committee on State and Local Government.

Senator Champion introduced—

S.F. No. 1086: A bill for an act relating to human rights; ensuring public accommodations for blind and disabled persons; amending Minnesota Statutes 2012, section 363A.19.

Referred to the Committee on Judiciary.

Senators Tomassoni and Reinert introduced—

S.F. No. 1087: A bill for an act relating to human services; providing an exception to disqualification from working in human services licensed programs; amending Minnesota Statutes 2012, section 245C.14, subdivision 1.

Referred to the Committee on Health, Human Services and Housing.

Senators Jensen, Metzen and Gazelka introduced—

S.F. No. 1088: A bill for an act relating to insurance; regulating foreign language policies and advertising; authorizing electronic notices and documents; amending Minnesota Statutes 2012, sections 60A.08, by adding a subdivision; 65A.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Rules, part 2700.0200.

Referred to the Committee on Commerce.

Senator Saxhaug introduced—

S.F. No. 1089: A bill for an act relating to natural resources; reauthorizing minimum shoreland standard rules.

Referred to the Committee on Environment and Energy.

Senators Saxhaug, Tomassoni, Bakk and Stumpf introduced—

S.F. No. 1090: A bill for an act relating to capital improvements; appropriating money for a regional arts center in Grand Rapids; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Saxhaug, Tomassoni and Bakk introduced—

S.F. No. 1091: A bill for an act relating to natural resources; modifying provisions for all-terrain vehicles; amending Minnesota Statutes 2012, sections 84.922, by adding subdivisions; 84.9256, subdivision 1; 84.928, subdivision 1.

Referred to the Committee on Environment and Energy.

Senators Saxhaug, Tomassoni and Bakk introduced—

S.F. No. 1092: A bill for an act relating to environment; directing the Pollution Control Agency to modify a rule on fugitive emissions.

Referred to the Committee on Environment and Energy.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that the name of Senator Clausen be added as a co-author to S.F. No. 337. The motion prevailed.

Senator Limmer moved that his name be stricken as a co-author to S.F. No. 534. The motion prevailed.

Senator Dziejcz moved that the name of Senator Nelson be added as a co-author to S.F. No. 658. The motion prevailed.

Senator Pappas moved that the name of Senator Carlson be added as a co-author to S.F. No. 699. The motion prevailed.

Senator Schmit moved that the name of Senator Reinert be added as a co-author to S.F. No. 868. The motion prevailed.

Senator Fischbach moved that the name of Senator Nelson be added as a co-author to S.F. No. 940. The motion prevailed.

Senator Rosen moved that the name of Senator Nelson be added as a co-author to S.F. No. 972. The motion prevailed.

Senator Rosen moved that the name of Senator Nelson be added as a co-author to S.F. No. 973. The motion prevailed.

Senator Wiger moved that the name of Senator Nelson be added as a co-author to S.F. No. 992. The motion prevailed.

Senator Senjem moved that the name of Senator Nelson be added as a co-author to S.F. No. 1020. The motion prevailed.

Senator Wiklund moved that the name of Senator Lourey be added as a co-author to S.F. No. 1024. The motion prevailed.

MEMBERS EXCUSED

Senators Benson, Cohen, Latz, Rest, Rosen, Saxhaug and Skoe were excused from the Session of today.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, March 6, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

