

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Kahn

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**Analyst:** Mark Shepard (651-296-5051),  
Article 1, 2, and 3 Matt Gehring (651 -296-5052), Articles 4 and 5

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## **Article 1: State Government Appropriations**

See the spreadsheet prepared by fiscal analyst Helen Roberts for a list of the appropriations in this article.

<http://www.house.leg.state.mn.us/fiscal/files/states07.pdf>

- 1      Summary of Appropriations.
- 1      State Government Appropriations.
- 1      Legislature. Requires legislative offices, when possible, to implement information technology systems that are compatible and work across the legislature. Requires reports on this issue. Specifies a planning process for issues relating to renovation of the Capitol building and related campus planning issues.
- 1      Governor and Lieutenant Governor. Requires an annual report on personnel costs supported by appropriations to other agencies.
- 1      State Auditor.
- 1      Attorney General.
- 1      Secretary of State.
- 1      Campaign Finance and Public Disclosure Board.
- 1      Investment Board.
- 1      Office of Enterprise Technology.
- 9      Administrative Hearings.
- 10     Administration.
- 11     Capitol Area Architectural and Planning Board.
- 12     Finance.
- 13     Employee Relations.
- 14     Revenue.
- 15     Gambling Control.
- 16     Racing Commission.
- 17     State Lottery.
- 18     Tort Claims.
- 19     Minnesota State Retirement System.
- 20     Minneapolis Employees Retirement Fund.
- 21     Teachers Retirement Association.
- 22     St. Paul Teachers Retirement Fund.
- 23     Amateur Sports Commission
- 24     Council on Black Minnesotans.
- 25     Council on Chicano/Latino Affairs.
- 26     Council on Asian-Pacific Minnesotans.
- 27     Indian Affairs Council.
- 28     General Contingent Accounts.
- 29     Managerial Positions Reduced. Requires the Governor to reduce the number of deputy commissioners, assistant commissioners and certain other unclassified positions so as to generate savings of \$7,292,000 in the upcoming biennium and \$7,292,000 in the biennium after that.
- 30     Balance Carried Forward. Provides that any positive unrestricted general fund budgetary balance as of June 30, 2007, is carried forward.

## Article 2: State Government Operations

- 1 Minnesota Commission on Ethnic Heritage and New Americans. Creates a commission on  
Ethnic Heritage and New Americans, consisting of ten members, including four legislators,  
four public members appointed by legislative leaders, and two members appointed by the  
Governor. Assigns duties to the office. Provides a June 30, 2009, expiration date.
- 2 Executive Orders. Clarifies that executive orders expire 90 days after the governor who  
issued the order leaves office.
- 3 Poet Laureate. Requires the Governor to appoint a poet laureate.
- 4 Assumed Name Fee. Requires the Secretary of State to charge a \$3 fee for a copy of a  
subsequent filing of an assumed name.
- 5 Temporary Technology Surcharge. Imposes technology surcharges on specified filing fees  
associated with the Secretary of State business functions. This section expires June 30,  
2009.
- 6 Assistance to Veterans. Authorizes the Attorney General to assist veterans and their families  
as to services available from public and private agencies.
- 7 State Board of Investment. Requires the SBI to report annually on the activities and work  
product of investment consultants retained by the board. The report must include fees paid,  
projects on which the consultant was involved, and examples of the written work products.
- 8 Commission on Terrorism and Disaster Preparedness. Creates a commission on terrorism  
and disaster preparedness.

Provides that the commission is to advise the legislature on specified issues, oversee the  
disaster preparation activities of the Department of Health, the Department of Public Safety,  
and other state agencies, and provide recommendations to improve the state's private and  
public capacity to handle threats. Provides that commission membership shall be comprised  
of representatives from the legislature, the commissioner of health, the commissioner of  
public safety, the attorney general, certain relevant experts, and citizens. Provides that the  
commission expires June 30, 2011.

- 9 Grants; Data. Adds a new section to the Minnesota Government Data Practices Act to deal  
with the status of data relating to grants. Key points include:

- Data created by a granting agency to create a request for proposal is nonpublic  
until the request for proposal is published.
- Responses submitted by a grantee are not public until opened. Once opened,  
the name and address of the grantee and the amount requested is public. After  
the government agency's evaluation process is complete, all other data in the  
response is public, except for trade secret data. If all responses are rejected, data  
that is not made public at the initial opening remains private until the evaluation  
process is completed or the grant is abandoned.
- Data that a government agency maintains as part of the evaluation process are  
not public until completion of the evaluation process.

- 10 Terms for Commissioners. Clarifies that terms of commissioners end with the term of the  
appointing governor or if the governor vacates office.
- 11 CAAPB Revenues. Under current law, when a public body submits a proposal for review by  
the Capitol Area Architectural and Planning Board, the body must provide enough money

- for the board's review. This section appropriates the money received by the board under this subdivision to the board in the upcoming biennium.
- 12 Price of Government. Requires the Department of Finance to report on the share of personal income to be collected in taxes and other revenues to pay for state and local government services and the division of that revenue between state and local government revenues. This section is related to the repeal of other parts of section 16A.102 later in the bill.
- 13 Economic Information. Provides that certain information must be submitted to the chair of the Senate Finance Committee, instead of the State Government Finance Committee.
- 14 Continuing Appropriations. Provides that if a major appropriation bill to fund a state agency for the next biennium has not been passed in the same form by the House and Senate and been presented to the Governor before July 1 of an odd-numbered year, existing appropriations remain in effect at the base level until July 31 of that year.
- 15 Billing Procedures. Current law allows the commissioner of finance to bill state agencies for statewide system services provided to the agencies. This section strikes a requirement that billing be based only on usage of services relating to statewide systems provided by the Intertechnologies division.
- 16 Sections 16 to 21 amend Minnesota Statutes, section 16A.695, which governs lease and management agreements involving state bond financed property. It was originally enacted in 1994, and implementation of the statute has been guided by an order of the Commissioner of Finance relating to the use and sale of state bond-financed property, dated July 20, 1995.
- Lease and management contracts. Allows renewal of a lease or management contract beyond a term that is substantially less than the useful life of the property if the lessor (public entity) determines that the lessee (private) demonstrates that it is continuing to carry out the governmental program. Provides that if the contract is not renewed and the lessee contributed to the land and capital improvements, the lessor may agree to reimburse the lessee for its investment. Provides that the end of the lease or management agreement does not require repayment of the state bonds or sale of the property as long as the property is used for the intended governmental program.
- Effective retroactively from January 1, 2006, and applies to leases, grant agreements, or management agreements entered into on or after that date.
- 17 Sale of property. Adds a third priority for distribution of sale proceeds when nonstate money was contributed to the acquisition and betterment of state bond financed property that is sold.
- Under current law, the sale proceeds are used first, to repay the state the amount it contributed in bond funds, and second, to pay in full any outstanding public or private debt. If there is any excess, it is shared among the public and private entities that contributed in proportion to the amount each contributed.
- This provision requires that public and private entities get repaid their contributions before any excess is apportioned.
- Effective retroactively from January 1, 2006, and applies to leases, grant agreements, or management agreements entered into on or after that date.

- 18 Match requirements. Permits matching funds to be pledged payments that have been deposited into a segregated account and multiyear pledges converted to cash or cash equivalent through a loan or irrevocable letter of credit. Permits the loan or letter of credit to be secured by a lien on the state bond financed property.
- Effective retroactively from January 1, 2006, and applies to leases, grant agreements, or management agreements entered into on or after that date.
- 19 Ground lease for state bond financed property. Permits a public entity as lessee to lease real property and improvements acquired or improved with state bond funds if the lease term is for at least 125 percent of the useful life of the property. Provides that expiration of the lease term does not require the state to be repaid or that the property be sold before the property is deemed no longer state bond financed property.
- Effective retroactively from January 1, 2006, and applies to leases, grant agreements, or management agreements entered into on or after that date.
- 20 General applicability. Inserts sections 1.01, 1.02, 3.01, and 4.01 of the Commissioner's Order, and the remedy for violation of this section from the generic grant agreement currently used. Clarifies that this section does not create any new authority for a public officer or agency to operate a program or enter into a lease or management contract; the public officer or agency must have that authority independently.
- Effective on and after July 1, 2007.
- 21 Grant agreement. Inserts section 6.01 of the Commissioner's Order, requiring a grant agreement and specifying basic provisions.
- Effective on and after July 1, 2007.
- 22 Advisory Council. Provides that the Minnesota assistive technology advisory council does not expire. Specifies administrative matters relating to the council.
- 23 Andersen and Freeman Buildings. Provides for deposit and expenditure of money collected as rent for the Andersen and Freeman buildings.
- 24 Percent for Arts. Strikes the \$100,000 per building limit that applies under the "percent for art" law applicable to buildings paid for by the state.
- 25 Grant Management. This section establishes procedures governing management of grants made by state agencies.
- Subd. 1. Grant agreement. Defines a "grant agreement." Provides that this section does not apply to capital project grants to political subdivisions.
- Subd. 2. Grant governance. Requires the commissioner of administration to provide direction and leadership for executive agency grants management, and requires executive agencies to do what the commissioner requires.
- Subd. 3. Powers. Authorizes the commissioner of administration to review grants management policies and practices, recommend alternative strategies, collect information and issue reports, and participate in conferences and other activities.
- Subd. 4. Duties. Requires the commissioner of administration to create general grants management policies and procedures for executive agencies. Authorizes the commissioner to grant exceptions. Provides that executive agencies retain

- management of individual grants programs.
- Requires the commissioner to serve as a resource to executive agencies and as a central contact point for statewide grants management policies and procedures.
- Requires the commissioner to ensure grants management needs are considered in statewide administrative systems, and to approve professional and technical service contracts and other information technology spending related to executive agency grants management activities.
- Requires the commissioner to provide a single listing of all available executive agency competitive grant opportunities and resulting grant recipients.
- Provides that the commissioner may determine it is cost-effective for agencies to develop and use shared grant management technology systems.
- Provides that duties in this subdivision with respect to grants also apply to easements granted by executive agencies.
- Grant Management Process.
- Subd. 1. Limit. Requires state grant recipients to agree to minimize administrative costs.
- Subd. 2. Ethical practices and conflicts of interest. Provides that an executive employee involved in the grants process is subject to the state employee code of ethics in current law.
- Subd. 3. Conflict of interest. Requires the commissioner to develop policies regarding ethics and conflicts of interests for employees, committee members or others involved in recommendation, award, and administration of grants. Specifies certain topics to be covered.
- Subd. 4. Reporting. Encourages a state employee who discovers evidence of violation of law or rules governing grants to report to the employee's supervisor, the commissioner or the commissioner's designee, or the legislative auditor. Requires the legislative auditor to report to the Legislative Audit Commission if there are multiple complaints about the same agency. Provides protection under the state whistle-blower law for employees making a good faith report under this section.
- Subd. 5. Creation and validity of grant agreements. States conditions for validity of grant agreements. Provides an agreement (including amendments) must not exceed five years without specific written approval of the commissioner. Requires agreements to be kept on file for at least six years. Requires agreements to comply with the commissioner's policies. Authorizes the Attorney General to periodically review and evaluate a sample of agreements.
- Subd. 6. Grant administration. Requires a granting agency to diligently administer and monitor grants.
- Subd. 7. Grants payments. Provides that payments to a grantee may not be issued until the grant agreement is fully executed.
- Subd. 8. Audit. Requires grant agreements to include audit clauses, authorizing examination of records for at least six years from the end of the grant agreement. For local government grants, specifies when the granting agency and when the grantee

pay for State Auditor costs.

Subd. 9. Authority of Attorney General. Authorizes the Attorney General to take action (notwithstanding the wishes of the granting agency) to void agency obligations to pay a grant (or to recover payments made) if activities under the grant are such that payment would involve unjust enrichment.

Subd. 10. Grants with Indian tribes and bands. Forbids an agency from requiring an Indian tribe or band to deny its sovereignty as a requirement or condition of a grant.

- 27 Best and Final Offer. Adds a new definition of "best and final offer" to state purchasing laws, as an optional step in the purchasing process in which responders are requested to improve their response.
- 28 Best Value. Amends the current definition of "best value" in state purchasing laws, to authorize the commissioner of administration to use strategic sourcing tools in achieving best value.
- 29 Enterprise Procurement. Adds a new definition of "enterprise procurement" to mean the process the commissioner of administration uses to leverage economies of scale to achieve costs savings and other favorable terms in state contracts.
- 30 RFP. Amends the definition of "request for proposal" to refer to negotiations to achieve best value for the state.
- 31 Response. Amends the definition of "response" to include "best and final offers" or "negotiated offers."
- 32 Strategic Sourcing. Defines "strategic sourcing" to mean methods used to analyze and reduce spending on goods and services.
- 33 Rulemaking Authority. Amends the commissioner of administration's existing rulemaking authority to refer to the "procurement process" instead of only referring to specified topics relating to the process.
- 34 Contracting Authority. Authorizes the commissioner to require that executive agency staff participate in development of enterprise procurement.
- 35 Policies and Procedures. Requires the commissioner to develop and implement policies, procedures, and standards ensuring optimal use of strategic sourcing.
- 36 Delegation of Duties. Authorizes the commissioner of administration to require another agency to accept delegated responsibility to procure goods or services intended for the exclusive use of that agency.
- 37 Web Site with Searchable Database. Requires the Commissioner of Administration to maintain a Web site with a searchable database providing the public with information on state contracts, including grants. Requires the database to include the following information for each contract over \$25,000:
- name and address of the entity receiving the contract and the name of the agency entering into the contract;
  - whether the contract is for goods, professional services, other services, or is a grant;
  - a statement of the purpose of the contract or grant;

- the amount of the contract or grant; and
- the dollar value of state contracts and state grants the entity has received in each of the last 10 fiscal years (starting with fiscal year 2008).

Requires information to be on the database within 30 days of entering into a contract.

This section is effective January 1, 2008.

- 38 Agency Cooperation. Requires executive agencies to cooperate with the commissioner of administration in development and implementation of strategic sourcing techniques.
- 39 Creation and Validity of Contracts. Allows the commissioners of administration and finance to approve policies under which routine, low-dollar procurements can occur before the state accounting system shows an encumbrance for the amount of contract liability.
- 40 Enterprise Procurement. Provides that notwithstanding a law authorizing heads of state agencies to enter into contracts for professional or technical services, the commissioner of administration must, to the fullest extent practicable, conduct enterprise procurements that result in professional or technical contracts for use by multiple agencies. Provides that the commissioner may mandate use of an enterprise procurement contract. Requires agencies to cooperate in development and use of these contracts.
- 41 Duties of Contracting Agencies. Requires an agency seeking approval of a contract for professional or technical services to explain why the procurement is being pursued unilaterally, and not as an enterprise procurement. Provides that an agency may not contract out previously eliminated jobs without first considering the former employees who are on the seniority unit layoff list who meet minimum qualifications determined by the agency.
- 42 Reports. Provides that an agency report on a professional/technical contract over \$50,000 (required by current law) include a written performance evaluation of the work done under the contract.
- 43 Limitation on Actions. Provides that a current or former professional/technical contractor may not maintain an action against an employee or agency who discloses information about the contractor as part of the statutorily-required report on the contract, unless the contractor demonstrates by clear and convincing evidence that: (1) the information was false and defamatory; (2) the employee or agency knew or should have known the information was false and acted with malicious intent to injure the current or former contractor; and (3) the information was acted upon in a manner that caused harm to the current or former contractor.
- 44 Call Center. Provides that a state agency must not enter into a contract for a call-center or similar purposes without determining if state employees can provide the services.
- 45 Reverse Auction. Specifies that reverse auctions may be used for services (not just for computer services), but not to procure engineering design services or architectural services or for building and construction contracts.
- 46 Document Imaging. Requires the commissioner of administration to promote use of persons with developmental disabilities to provide document imaging services to government.
- 47 Designation of Targeted Groups. Broadens the designation of targeted group businesses for purposes of providing a bid-price preference in state contracting, to include small businesses majority-owned and operated by military veterans who served in federal active service in support of Operation Enduring Freedom or Operation Iraqi Freedom.

- 48 Best and Final Offer. Provides that a "best and final offer" solicitation process may not be used for state building and construction contracts.
- 49 Significant Individual. Defines "significant individual" for purposes of Minnesota Statutes chapter 43A, governing state employment.
- 50 Temporary Unclassified Positions. Provides that a state employee may not serve in a temporary unclassified position more than 18 months.
- 51 Phased Retirement. Includes legislative employees in an existing phased retirement program.
- 52 Mississippi River Parkway Commission. Extends the expiration date for the commission from June 30, 2007, to June 30, 2012.
- 53 Disclosure to Finance. Authorizes the commissioner of revenue to disclose tax return data to the commissioner of finance as necessary for revenue forecasts.
- 54 Toll-free access. Requires the commissioner of revenue to maintain toll-free telephone access for taxpayer assistance.
- 55 Taxpayer assistance grants. Requires the commissioner of revenue to provide public notice of taxpayer assistance grants and to notify prior recipients.
- 56 Penalty; Corporate Registration. Requires the Secretary of State to issue a certificate of administrative dissolution for a corporation that has not filed a registration during any calendar year (instead of for two consecutive years). Strikes provisions relating to notice to dissolved corporations.
- 57 Dissolution. Strikes a requirement that the Secretary of State inform the Attorney General and Commissioner of Revenue of methods by which names of dissolved cooperatives under chapter 308A may be determined.
- 58 Dissolution. Strikes language requiring that the Secretary of State inform the Attorney General and Commissioner of Revenue of methods by which names of dissolved cooperatives under chapter 308B may be determined.
- 59 Filing. Removes requirement that a cooperative under chapter 308B file its annual registration form with the original articles.
- 60 Notice of Intent to Dissolve. Requires that before a cooperative under chapter 308B begins dissolution, it must file notice of intent to dissolve with the Secretary of State.
- 61 Annual Registration; Volunteer Firefighter Relief Association. Strikes language from nonprofit corporation registration law that provides separate treatment for volunteer firefighter relief associations.
- 62 Limited Partnerships. Provides that no fee is due for a limited partnership filing a required annual report. Provides that fee for filing a name reservation for a foreign limited partnership is \$35.
- 63 Name Change Filed in Home State. Requires a foreign limited partnership to notify the Secretary of State of changes to partnership name filed in another state.
- 64 UCC Account. Expands purposes for which the Secretary of State may spend money in the Uniform Commercial Code account, to include online or remote lien and business entity filing, retrieval and payment method services.
- 65 UCC Filing. Authorizes transmission of UCC records using XML format upon determination of the Secretary of State that the central filing system is capable of receiving and processing these records.
- 66 UCC Fees. Provides a fee of \$20, instead of \$15, for certain UCC records delivered by electronic means. Requires that \$5 of these fees be deposited in the UCC account.
- 67 Acknowledgement. Adds limited liability companies to list of entities that may sign in a

- representative capacity.
- Notarial Acts. Provides that certain signatures must be made in the presence of a notary.
- Acknowledgement. Adds limited liability companies to list of entities in the law governing the effect of acknowledgement in a representative capacity.
- Verifications. Requires notary to be present when signatures are made.
- Witnessing or Attesting Signatures. Requires notary to be present when signature is made.
- Dependents. Current law governing municipal health insurance provides that "dependents" means a spouse, unmarried students under age 18 and dependent students under age 25. This section adds to the definition "others as defined by governmental units at their discretion."
- LGA Deduction. Requires the State Auditor to bill the commissioner of revenue \$614,000 (instead of \$217,000) annually, and provides that this billing covers costs of required JOBZ auditing (as well as the billing required in current law for government information functions).
- Representation. Provides that the state may be represented in conciliation court by an employee of the Risk Management Division of the Department of Administration.
- Real Estate Documents. Provides that the Electronic Real Estate Recording Task Force may amend standards set by a prior task force, and may set new or additional standards and implement pilot projects. Provides that documents recorded in conformity with those standards and projects meet requirements of this section.
- Term of License; Fee; Premarital Education.** Increases marriage license fees by \$10. The new fee for a marriage license for parties without premarital education is \$110 and for those with premarital education is \$40. This is linked with a change in the next section, which captures the amount of the increase in this section for use by the county where the license is obtained.
- Disposition of License Fee.** Increases the amount of the marriage license fee that may be retained by the county where the license is obtained to reflect the amount of the increase in the fee provided in the previous section.
- Land Sales. Extends deadline for required state land sales to June 30, 2009.
- Genetic Information Work Group. Provides that a report based on work of a genetic information work group is due January 15, 2009, instead of January 15, 2008.
- Office of Administrative Hearings. Provides that a 2006 appropriation does not cancel.
- Ford Building. Provides that the Ford Building at 117 University Avenue in St. Paul may not be demolished during the biennium ending June 30, 2009.
- Electronic Documents Study and Report. Requires the state's chief information officer to study how electronic documents and related mechanisms and processes can be created, maintained, exchanged, and preserved by the state in a manner that encourages appropriate government control, access, choice, and interoperability. Lists issues the study must consider, and people the chief information officer must solicit comments from in doing the study. Requires the chief information officer to report to specified legislative committee chairs by January 15, 2008.
- State Employee Electronic Health Records Pilot Project. Requires a pilot project to provide consumer-owned electronic personal health records to participants in the state employee group insurance program.
- Sustainable Growth Working Group. Creates a sustainable growth working group to identify strategies, recommendations and a process for implementing state-level coordination of state and local policies, programs, and regulations in the areas of housing, transportation, natural resource preservation, capital development, economic development,

sustainability, and preservation of the environment. The group consists of 4 legislators, 8 commissioners or designees, the chair of the Metropolitan Council or a designee, and up to 12 public members. Requires the commissioner of administration to provide meeting space and administrative support. Requires the group to report to the legislature and the governor by February 1, 2008. Provides that the group expires June 30, 2008.

85 Training Services. Requires that during the biennium ending June 30, 2009, state executive agencies must consider using services provided by Government Training Services before contracting with outside vendors for similar services.

86 DOER. Abolishes the Department of Employee Relations and transfers duties.

87 Budget Trends Study. Creates a state budget trends study commission. Specifies duties and requires reports.

88 Insurance Study. Requires DOER to study and report on the estimated financial impact to the state employee insurance group program of allowing "significant individuals" to be covered as dependents.

89 Revisor Instruction.

90 Repealer. Repeals the following sections of Minnesota Statutes:

- Section 16A.102, subdivisions 1, 2, and 3: Price of government resolution.
- Section 16B.055, subdivisions 2 and 3: Sunset of assistive technology advisory council.
- Section 16C.055, subdivision 1: Requirement for the legislative auditor to report by January 15, 2002 on state barter arrangements.
- Section 16C.08, subdivision 4a: Requirement for a performance evaluation of work done on professional technical contracts.
- Section 69 . 051, subdivision 1c: Requirement for state auditor to send the secretary of state a list of names of volunteer fire relief associations meeting certain financial standards.
- Section 359.085, subdivision 8: Notarial office may not notarize signature of signer not in presence of the notary.
- Section 645.44, subdivision 19: "Fee"/"tax" definitions.

### **Article 3: Best Value Contracting**

1 Best Value; Construction (state procurement). Defines "best value" for the purposes of contracts for construction, building, alteration, improvement, or repair services, in the chapter of statutes that governs state government procurement. States that the definition does not apply to provisions governing design-build. This definition is applied in all the other construction contracting statutes included in this article.

2 Vendor (state procurement). Defines "vendor" for the purposes of the chapter of statutes governing state procurement.

3 Acquisition Authority (state procurement). Strikes language dealing with construction contracts, in conjunction with new language authorizing best value for these contracts.

4 Acquisition Authority; Construction Contracts (state procurement). Requires the

- commissioner of administration to award contracts for building and construction projects under section 16C.28, and provides that best value is defined as provided in this bill.
- 5 Training. Requires training in use of best value contracting for construction projects.
- 6 Competitive Bids or Proposals. Defines competitive proposals, and reference proposals as well as bids in the law governing state construction contracts.
- 7 Single Source of Supply. References proposals as well as bids.
- 8 Award Requirements (state procurement). Strikes language requiring all state building and construction contacts to be awarded to the lowest responsible bidder and provides that a contract may be awarded to (1) the lowest responsible bidder or (2) the vendor or contractor offering the best value.
- Requires the vendor or contractor under either approach to secure bonding, commercial general insurance, and workers' compensation insurance. Requires solicitation documents to state the relative importance of price and other factors.
- Defines best value, and specifies three phrases under which specified governments entities will be authorized to participate in best value procurement methods.
- 9 Awarding of Contract (watershed districts). Authorizes use of best value.
- 10 How Contract May Be Awarded (drainage authorities). Authorizes use of best value.
- 11 How Job May Be Let (public water and sewer systems). Authorizes use of best value.
- 12 Contracts (school districts). Conforming language for best value.
- 13 Best Value Alternative (school districts). Authorizes use of best value.
- 14 Best Value Alternative (county or town road construction). Authorizes use of best value.
- 15 Best Value Alternative (pedestrian and nonmotorized vehicle bridge projects). Authorizes use of best value.
- 16 Best Value Alternative (trunk highway projects). Authorizes MnDOT to award construction contracts based on best value.
- 17 Best Value Contracting (MnDOT). Authorizes best value for projects other than design build (which are governed by the next section).
- 18 Best Value Selection (design-build highway projects). Inserts reference.
- 19 Effects on Other Law of Public Contract with Commissioner. Conforming amendment.
- 20 Best Value Alternative (towns). Authorizes towns to award construction projects based on best value.
- 21 Best Value Alternative (city hall - county courthouse projects). Authorizes use of best value.
- 22 Best Value Alternative (counties). Authorizes counties to award construction contracts based on best value.
- 23 Contracts in Excess of \$500; Best Value Alternative (St. Louis County ditch repair). Authorizes use of best value.
- 24 Contracts; Best Value Alternative (statutory cities). Authorizes use of best value.
- 25 Best Value Alternative (local improvements, special assessments). Authorizes municipalities to award construction contracts for local improvement projects based on best value.
- 26 Contracts In Excess of \$5,000; Best Value Alternative (Western Lake Superior Sanitary District). Authorizes use of best value.
- 27 Best Value Alternative (HRAs). Authorizes use of best value.
- 28 Contracts; Bids; Bonds (port authorities). Conforming amendment.
- 29 Contracts; Best Value Alternative (port authorities). Authorizes use of best value.

30 Construction Contracts (Economic Development authorities). Authorizes use of best value.  
31 Uniform Municipal Contracting Law. Authorizes a municipality to award a construction  
contract based on best value for projects.

"Municipality" is defined under the uniform municipal contracting law to mean a county,  
town, city, school district or other municipal corporation or political subdivision of the state  
authorized by law to enter into contracts.

32 Uniform Municipal Contracting Law. Authorizes a municipality to award a construction  
contract based on best value for projects.

33 Uniform Municipal Contracting Law. Authorizes a municipality to award a construction  
contract based on best value for projects.

34 Contracts Over \$50,000; Best Value Alternative (Metropolitan Council). Authorizes the  
Metropolitan Council to award a construction contract for the metropolitan disposal system  
(regional wastewater collection and treatment) based on best value.

35 Contracts (Minnesota Ballpark Authority). Clarifies "best value" by inserting a cross  
reference to the definition.

#### **Article 4: Elections**

1 Notice of Violation. Modifies the conditions under which a county auditor must mail a  
violation notice to voters. Under current law, a violation notice must be sent where the  
county auditor determines that a voter has voted in a precinct other than the precinct in  
which the voter maintains residence. This bill changes the language to require a violation  
notice be sent when a county auditor determines that a voter has voted using an address at  
which the voter does not maintain residence on election day.

2 Registered Voter Signature. Permits voters who are unable to sign their name sign by  
making a mark, having another person write the voter's name in the voter's presence, using a  
rubber stamp of the voter's signature or mark, or other method of another person making a  
signature for the voter and adopted for all purposes of a signature, if within the voter's  
presence.

3 Registration Prior to Election Day. Permits eligible voters to register by paper application,  
or if the Secretary of State's Web site provides the option, to register online using a  
Minnesota driver's license, identification card, or learner's permit. A state or local agency  
accepting applications must submit them to the secretary of state within 10 business days  
after the date of the application.

4 Compensation for Soliciting Registrations. Prohibits individuals from being compensated  
for soliciting, collecting, or accepting voter registration applications if the rate of  
compensation is determined by the number of registration applications received. Violation  
is a petty misdemeanor.

5 Election Day Registration. Removes the requirement that vouching information be included  
on the voting records of the person registering to vote and the current voter who is vouching  
for the individual's residence.

Adds to the list of documents sufficient to prove residence a photo identification along with  
either a current utility bill or lease that shows the individual's name and valid residential  
address. An identification card issued by a recognized tribal government that contains the  
name, address, signature, and picture of the individual may also be used to prove residence.

This section of the bill also permits employees of a residential facility to vouch for residents

of the facility for purposes of voter registration by presenting proof of employment with the facility through an identification card or other official documentation. The bill eliminates the requirement that residential facility operators provide a list of current employees to the appropriate county auditor at least 20 days prior to an election.

A definition is established for "current utility bill," "photo identification," "residential facility," and "utility bill."

This section is effective September 1, 2007.

6 Format of Registration Applications. Applies the requirements of a suitable size and weight  
for mailing and space for a voter's signature only to paper registration applications.

7 Restricted Data. Adds to the list of items that may not be included on a publicly available  
voter registration list a voter's military identification card number and passport number.

8 Registration Verification. Modifies the procedure for handling registration verification  
notices returned as undeliverable by the postal service. If a notice is returned as  
undeliverable, but includes a permanent forwarding address in Minnesota, the county  
auditor must update the voter's address in the statewide registration system, and notify the  
voter's appropriate new county auditor. The auditor must also mail the voter a new notice of  
registration, indicating that the voter's voting address has changed and that the new county  
auditor should be notified if the new address is incorrect.

If a notice is returned as undeliverable and the permanent address indicates that the voter  
has moved out-of-state, the county auditor must mail a notice to the new address advising  
the voter that their Minnesota voter registration will be deleted if the voter does not respond  
within 21 days. If the voter has not responded after 21 days indicating that the voter intends  
to maintain their Minnesota address as their permanent address, the county auditor must  
change the voter's status to "inactive."

If no forwarding address is provided, the county auditor must change the voter's registration  
status to "challenged," requiring the voter to comply with the procedures necessary for  
challenged voters to be permitted to vote, as described in section 204C.12.

This section is effective August 1, 2007.

9 Change of address system. Requires the secretary of state to obtain a monthly list of  
individuals in Minnesota who have filed a permanent change of address with the U.S. Postal  
Service. If a voter has moved to a new address in Minnesota, the secretary of state must  
electronically notify the county auditor of the voter's new county, and the auditor must  
update the statewide registration system, and send the appropriate registration notice to the  
voter.

If a voter has moved out-of-state, the voter's former county auditor must be notified. The  
auditor must send the appropriate notice to the voter's new address, and delete the voter's  
registration from the statewide system if the voter does not respond within 21 days.

This section is effective April 1, 2008.

10 Automatic Registration. Creates a system of automatic voter registration.

Subd. 1. Requires that any unregistered eligible voter who completes an application

for a new or renewed driver's license, instruction permit, or identification card be registered to vote, unless the applicant declines the voter registration.

Subd. 2. Requires the commissioner of public safety to format its driver's license, instruction permit, and identification card applications to include a box for the applicant to decline voter registration. Information on applicants that do not decline the registration must be electronically submitted to the secretary of state on a daily basis (a modification from the weekly delivery required by current law), and that, in addition to the information currently provided, also included must be the applicant's citizenship and signature.

Subd. 3. Requires the secretary of state to verify the registration status of each applicant; information on applicants that have changed their personal information must be transmitted electronically to the appropriate county auditor on a daily basis. If an applicant is not registered, the secretary of state must determine the applicant's eligibility to vote, including checking certain court records. If an applicant is eligible to vote, the secretary of state must submit registration information to the appropriate county auditor on a daily basis.

Subd. 4. Upon receipt of registrations from the secretary of state, the county auditor must mail each newly registered voter the appropriate notice of registration.

Subd. 5. Registrations received within 20 days of an election are not effective for purposes of voting until the day after the election.

No applicant may be automatically registered to vote until the system has been tested and shown to accurately determine eligibility to vote.

11 Active Voter Status. Extends the time period during which voters maintain active voting status from four years to six years. Registered voters who have not voted after six years are classified as "inactive." The bill requires rejected absentee or mail ballots, in addition to the existing allowance for late absentee ballots, to be considered votes for purposes of active voter registration status.

12 Eligibility for Absentee Voting. Allows any eligible voter, regardless of reason, to vote by absentee ballot. Current law requires voters seeking to cast an absentee ballot to reasonably expect an inability to go to the appropriate polling place because of their absence from the precinct, illness, disability, religion, or service as an election judge in another precinct.

This section is effective April 1, 2008.

13 Application Procedures. Makes technical changes to conform section 203B.04, subdivision 1, to the new language in section 12 of this article.

This section is effective April 1, 2008.

14 Ongoing Absentee Status. Allows any eligible voter to apply for "ongoing absentee" status, which automatically provides the voter with an absentee ballot, unless the voter specifically requests otherwise at least 35 days before election day. Current law already provides that status as an ongoing absentee voter must be indicated on the voter's registration record, and ends upon written request, death of the voter, return of an absentee ballot as undeliverable, and change in voter eligibility status, including "inactive" status under section 201.171. The bill requires the secretary of state to adopt rules to govern "ongoing absentee" procedures.

- This section is effective April 1, 2008. The rulemaking authority is effective the day following final enactment.
- 15      Delivery of Absentee Ballots. Permits a county auditor to deliver an absentee ballot to a designated agent. This section makes technical changes to conform section 203B.06, subdivision 3, to the new language in section 21 of this article.
- This section is effective August 1, 2007.
- 16      Absentee Ballot Envelope/Witness Certification. Eliminates the requirement that an absentee ballot be designed so as to contain either an additional envelope or a flap to conceal the voter's signature, identification, and other information.
- This section also modifies the witness certification requirements. Under current law, absentee ballot return envelopes must include a certificate of eligibility to vote, printed on the back of the envelope. In addition to a statement signed by the absentee voter swearing that the voter meets all requirements for absentee voting, the certificate must also contain a statement signed by a person who is registered to vote in Minnesota, or who is a notary public or otherwise authorized to administer oaths, stating that:
- (a) the absentee voter displayed the ballot as unmarked;
  - (b) the absentee voter marked the ballot in the person's presence without showing how it was marked (or if the absentee voter is physically unable to mark the ballot, that the absentee voter directed another individual to mark the ballot); and
  - (c) if the voter was not previously registered, that the absentee voter provided proof of residence.
- This section modifies the law by applying the inclusion and witness signature requirements for statements (a), (b), and (c) above only to absentee voters that have not previously registered to vote. Absentee voters who have previously registered to vote would no longer be required to vote in the presence of a witness.
- This section is effective April 1, 2008.
- 17      Absentee Voting Locations. Requires that any polling places designated by the county auditor for absentee voting during the 30 days preceding be equipped with at least one electronic ballot marker, in addition to the current requirement that at least one voting booth be provided at each location.
- 18      Agent Delivery. Current law permits a voter to designate an agent if the voter is a patient in a health care facility, a participant in a residential program for adults, or a resident of a battered women's shelter. This section allows an eligible voter who would have difficulty getting to the polls because of health reasons, is disabled, or a resident of a facility providing assisted living services to also designate an agent to receive and deliver absentee ballots.
- Existing law permits agents to be designated in the four days preceding an election up until 2:00 p.m. on election day; this section permits agents to be designated during the seven days preceding an election until 2:00 p.m. on election day.

Remaining unaffected are current requirements that:

- (a) a candidate at the election may not be designated as an agent;
- (b) agents may only deliver ballots to three people in any election;
- (c) the agent-delivered ballots must be returned to the county auditor or municipal clerk by 3:00 p.m. on election day; and
- (d) the voter submit an affidavit requesting an agent deliver an absentee ballot.

This section is effective August 1, 2007.

- 19 Absentee Ballot Counting. Modifies the deadline after which absentee ballots may be counted on election day. Under current law, absentee ballots may only be opened after the last regular mail delivery of the day. This bill would allow absentee ballots to be opened for counting after noon on election day.
- 20 Absentee Ballot Board. Eliminates the requirement that a county have established a counting center before authorizing an absentee ballot board. An absentee ballot board may be used to accept or reject absentee ballots during the 30 days prior to an election, allowing some voters to correct mistakes. Absentee ballot boards are also permitted in municipalities and school districts upon an appropriate local resolution or ordinance.
- 21 Duties of Absentee Ballot Board. Limits the scope of the absentee ballot board's authority to examining absentee ballot envelopes and accepting or rejecting the ballots. Under current law, the board is also permitted to open and count absentee ballots. This section also eliminates the requirement that the secretary of state provide sample replacement ballots and return envelopes to counties.
- 22 Permanent Non-U.S. Residence. Expands the law to allow certain individuals to vote for President and Vice President and members of Congress. Otherwise eligible voters may vote for these offices even though they have never resided within the territorial limits of the United States, if their parent maintained residence in the United States for at least 20 days immediately before their parent departed from the United States.

This section is effective for elections held after April 1, 2008.

- 23 Military and Non-Resident Absentee Voting. Eliminates the requirement that a voter who does not have a valid passport or identification card include a signed certification, from either a military officer or other individual authorized to administer oaths, that the absentee voter has attested to the truthfulness of the absentee ballot application.

In addition to eliminating the oath requirement, this section of the bill permits an applicant to include a Minnesota driver's license or state identification card number instead of a military identification card number or passport number. If a voter does not have access to any of these documents, the voter or other individual requesting absentee ballots may attest, under penalty of perjury, to the truthfulness of the application.

This section is effective for elections held after April 1, 2008.

- 24 Recording Absentee Ballot Applications. Requires the county auditor to record, in addition to the existing requirements, a voter's military identification card number, passport number, and Minnesota driver's license number or state identification number when accepting an

- application for an absentee ballot.
- This section is effective April 1, 2008.
- 25 Absentee Voting; Challenges. Eliminates terminology stating that a municipal clerk shall not be required to serve a copy of a petition and notice of hearing on a challenged absentee voter. Under this bill, municipal clerks no longer process absentee ballots.
- This section is effective April 1, 2008.
- 26 Ballot Submission. Permits a voter to request that the absentee ballot and related materials be sent electronically, as permitted under section 29 of this article.
- This section is effective for elections held after April 1, 2008.
- 27 Return Envelope Design. Requires the absentee ballot return envelope be formatted to reflect the changes in section 23 of this article.
- This section is effective for elections held after April 1, 2008.
- 28 Replacement Ballots. Requires that the county auditor only send one set of ballots to an absentee voter for any one election, except that a replacement ballot may be sent if a ballot has been spoiled or lost in transit, or if the absentee voter's mailing address has changed since the date on which the absentee voter application was submitted.
- 29 Electronic Ballot Transmission. Establishes procedures for handling electronically transmitted absentee ballots.
- Subd. 1. Certification. Permits the county auditor to transmit ballots, instructions, and an affidavit form and certification of voter eligibility to an absentee voter electronically.
- Subd. 2. Return of ballots. Requires the absentee voter to return the ballots in a sealed envelope. Ballots may NOT be returned electronically. The county auditor must immediately verify the information provided. The ballot must be placed with the other absentee ballots in the precinct in which the voter resides.
- Subd. 3. Rejection. A ballot must be rejected if the auditor cannot verify that the ballots were returned by the same person that submitted the absentee ballot application.
- This section is effective for elections held after April 1, 2008.
- 30 Write-In Absentee Ballot. Permits an eligible voter who will be outside the United States during the 180 days prior to the general election to use a state write-in absentee ballot for any federal, state, or local election. In a state or local election, a vote for a political party without specifying the name of a specific candidate does not count.
- 31 Absentee Ballot Board. Requires the county auditor to establish an absentee ballot board to process ballots requested and submitted by military and overseas voters. The board may consist of staff trained and certified as election judges, in which case the laws requiring party balance amongst the election judges for certain duties do not apply.
- This section is effective April 1, 2008.
- 32 Check of Eligibility.

**Subdivision 1.** Replaces a reference to the paper copy of an application record with a reference to the electronic record of the application in the statewide registration system. This section also strikes a reference to the oath administered by a military officer from the list of items that election judges must verify before counting an absentee ballot.

If the identification number on the ballot return envelope does not match the number as submitted on the application for an absentee ballot, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant, or by an individual authorized to apply on behalf of the voter, that the ballots were returned by the same person to whom the ballots were transmitted.

**Subdivision 2.** Replaces a reference to the paper copy of an application record with a reference to the electronic record of the application in the statewide registration system. This subdivision also eliminates language specifying procedures if an absentee voter attempts to vote on election day, or if a voter submits more than one absentee ballot return envelope. The language is not eliminated from statute, but rather is moved to a new section, as described in section 33 of this article.

This section is effective April 1, 2008.

**33** **Special Election Day Procedures.** Establishes the language eliminated in section 32 specifying procedures for certain absentee voter circumstances. Requires that an absentee ballot not be counted if an absentee voter casts a ballot in person on election day. If an absentee voter submits more than one absentee ballot, the ballots in the return envelope with the latest date are to be counted, and the uncounted ballots are to be returned as rejected ballots.

This section is effective April 1, 2008.

**34** **Separate Records Required.** Requires the election judges in each polling place to keep a record of absentee ballots received from the absentee ballot board marked "accepted" that were not counted at the polling place. This record must be returned to the county auditor or municipal clerk with other election day materials.

This section is effective April 1, 2008.

**35** **Emergency Powers.** Permits the secretary of state to prescribe, by emergency orders, special procedures or requirements to facilitate absentee voting by citizens otherwise eligible to vote in Minnesota if substantial compliance with the Uniformed and Overseas Citizens Absentee Voting Act is impossible or unreasonable. The secretary of state may issue these orders if the governor has declared an emergency, or in the event of a natural disaster or armed conflict that involves the United States Armed Forces, including the Minnesota National Guard and reserve components.

The secretary of state is required to adopt rules describing the emergency powers and the situations in which the powers must be exercised.

This section is effective for elections held after April 1, 2008, but the secretary of state may adopt rules to comply with this section beginning the day following final enactment.

**36** **Affidavit of Candidacy.** Requires affidavits of candidacy to include an original signature of the candidate, unless extraordinary circumstances justify electronic filing, as described in

- section 38 of this article.
- 37 Affidavits and Nominating Petitions. Creates a deadline for submitting an affidavit of candidacy for candidates for presidential elector not affiliated with a major party. Nominating petitions must be filed no earlier than 70 days before the state primary. This section also requires that affidavits of candidacy and nominating petitions be filed with the secretary of state for federal offices, with the county auditor for county offices, and either the secretary of state or county auditor for state offices.
- 38 Absent Candidates. Permits candidates to file an affidavit of candidacy electronically, if extraordinary circumstances beyond the candidate's control prevent the candidate from filing an affidavit authenticated by the candidate's handwritten signature.
- The affidavit must be authenticated either by an electronic facsimile signature of the candidate, by electronic signature using a password assigned by the secretary of state, or other electronic signature approved by the secretary of state.
- Permits the secretary of state to adopt rules governing electronic filing of affidavits of candidacy.
- 39 Write-In Candidate Votes. In addition to candidates for state and federal office, requires write-in candidates for county office who want write-in votes counted to file a request with the appropriate filing office. The deadline for submitting this request is moved from the fifth to the seventh day before the general election.
- 40 Petition Circulation. Establishes a window of time in which a candidate may circulate a petition rather than paying a filing fee at the time of filing an affidavit of candidacy. Petitions may be circulated from the date of precinct caucuses to the end of the period for filing affidavits of candidacy.
- 41 Polling Place Location. Expands the distance from the precinct in which a metro-area polling place can be located from 3,000 feet to one mile outside the boundaries of the precinct.
- 42 Appointment of Election Judges. Under current law, designated county or legislative district chairs of each major political party must prepare a list of eligible voters to act as election judges in each precinct in the county or legislative district.
- Actual election judge appointments are made by the appropriate local governing body, and must come from the lists provided by each major political party. If no list is provided, or all names on the list have been exhausted, the appointing authority may appoint any other individual to serve as an election judge, provided they meet the necessary requirements and qualifications. (Among the requirements, election judges must be able to read, write, and speak English, may not be a spouse, parent, child, or sibling of another election judge in the precinct or any candidate in the election, or an actual candidate in the election.)
- This bill modifies these requirements: using the lists submitted by each major party is permitted, but not required, and other individuals not affiliated with a major political party may be appointed as election judges at any time, regardless of whether the names on the submitted lists are "exhausted." This bill also specifies that at least two election judges in each precinct still must be affiliated with different major political parties.
- 43 Voter Complaints. Establishes a voter complaint and resolution process to replace the current process repealed by section 66 of the bill.

Subd. 1. Scope. Establishes the conditions for which a voter may file a complaint and seek resolution, including improper maintenance of voter records, an inability to register to vote as allowed by law, a lack of proper voting systems with which to vote, and a failure or imminent failure to comply with a duty imposed by the Help America Vote Act. Complaints must be filed with the appropriate local or state offices as described in the bill, using a standard form for complaint as provided by the secretary of state.

Subd. 2. Notice of Complaint. Expands the deadline for submission of a copy of a complaint to the jurisdiction complained against from three business days to seven calendar days.

Subd. 3. Response. Reduces the deadline for submitting a written response from 20 days to 14 days.

Subd. 4. Hearing. If the person filing the complaint is not satisfied with the response, that person may file a request for a hearing. If a request for hearing is filed, a hearing must be conducted. The official with whom the complaint was filed must rule on the complaint within 14 days after the hearing.

Subd. 5. Timeline. Requires a ruling on a complaint to be made within 90 days after the complaint was filed. If a ruling is not made within 90 days, the official with whom the complaint was filed must provide alternative dispute resolution processes to address the complaint, which must be completed within 60 days of its commencement.

Subd. 6. Appeals. Appeals may be made no later than 30 days after the ruling, and must be heard within 14 days of filing the appeal. Appeals are to be filed with the secretary of state, who may affirm, reverse, or modify a ruling and provide instructions to parties as necessary. If a complaint is against the secretary of state, the appeal must be filed in Ramsey County District Court.

Subd. 7. Remedies. If the official rules that a HAVA violation occurred, the official must provide an appropriate remedy. If the official rules that no violation occurred, the complaint must be dismissed and the results of the process must be published by the official.

This complaint process is effective beginning January 1, 2008.

44

Mail Balloting Procedure. Modifies the window of time during which jurisdictions using mail balloting may send ballots from between 20 and 14 days before an election to between 30 and 14 days before the election. Requires the county auditors to mail ballots to voters who registered after the initial mailing of ballots, but before 20 days prior to the election. This mailing must take place at least 14 days prior to the election.

This section also permits the auditor or clerk to appoint election judges to accept or reject ballots during the 30 days prior to the election; if a ballot has been rejected at least five days prior to election day, a replacement ballot must be provided to the voter.

45

Polling Place Lingering. Prohibits individuals, except election judges and individuals waiting to register to vote, from standing within 100 feet of a building in which a polling place is located. Under current law, individuals are not permitted to stand within 100 feet of the doorway leading to the room where the voting is actually taking place.

- 46 Challenger Residence Requirement. Provides that appointed partisan challengers must prove residence in the state through the same documentation requirements mandated for voters registering on election day. A challenger may not prove residence using the vouching process. Challengers are not required to prove residence in the actual precinct in which they seek to act as a challenger.
- 47 Challenger Oath. Requires a challenger to state under oath that the challenger understands and will abide by the laws and rules governing challengers and challenges to voters.
- 48 Township Elections. Exempts townships from various requirements related to party balance in the appointment and duties of election judges in township elections not held alongside a statewide election. Township elections are nonpartisan.
- 49 Cancellation of a Special Municipal Election. Permits a special election ordered by a municipality to be cancelled by its own motion, so long as the cancellation does not occur less than 46 days before the election.
- 50 City Office Write-in Candidates. Requires candidates wishing to have write-in votes counted for their candidacy to file a request with the appropriate filing officer no later than seven days prior to the election. The filing officer must make forms available on which the request can be made.
- 51 Notice of Cancellation. Requires the municipal clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 52 Cancellation of a Special School Board Election. Permits a special election ordered by a school board to be cancelled by its own motion, so long as the cancellation does not occur less than 46 days before the election.
- 53 Notice of Cancellation: County Auditor. Requires the school district clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 54 Notice of Cancellation: Commissioner of Education. Requires the school district clerk to notify the commissioner of education, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 55 School District Elections. Incorporates section 204B.21, subdivision 2, into the exemption for school district elections relating to party balance of election judges. This modification is included because 204B.21, subdivision 2, as amended by section 40 of this article, includes new requirements for party balance.

The reference to section 206.64, subdivision 2, is removed because that provision was repealed in 1997.

- 56 Disabled Voters. Requires township elections held after December 2009 to include, at each polling place, a voting system that is accessible for individuals with disabilities, including non-visual accessibility for the blind.
- 57 Postelection Review Official Definition. Modifies the definition of postelection review official to mean the county auditor, unless the county auditor designates that title to the municipal clerk within 24 hours after the canvass of the state general election.
- 58 Postelection Review Procedures. Requires additional reviews to be conducted in at least three precincts in the same jurisdiction, if a discrepancy of greater than one half of one percent, or greater than two votes in a precinct with 400 or fewer cast ballots is discovered in one precinct. If similar discrepancies are discovered in the newly reviewed precincts, the county auditor must conduct a review of all precincts in the county.
- 59 Local Candidate Financial Reports. Requires financial reports filed by candidates for certain local offices include a printed name, phone number, signature, and email address, if

available, in addition to the address of the person responsible for filing the financial report.

The report must also include the name, address, and employer of any individual or committee that has made a contribution that exceeds \$100. Under current law, these reports are required if the contribution is \$100 or more. This change makes the reporting requirements for local candidates consistent with those for state-level candidates.

This section also requires that the filing officer restrict public access to the address of individuals who have made contributions exceeding \$100, if the individual has submitted a written, signed statement that the safety of the individual or the individual's family requires withholding address information.

60 Failure to File a Financial Statement Certification. Specifies that a failure to file a certification that all financial reports are filed as required, or no financial reports were necessary, constitutes a misdemeanor offense.

61 Uniform Electronic Transactions Act. Exempts affidavits of candidacy relating to the conduct of elections from the requirements of chapter 325L, the Uniform Electronic Transactions Act, which regulates certain types of electronic records.

62 County Commissioner Vacancy; Option for Special Election. Permits a vacancy in the office of county commissioner to be filled by a special election held between 30 and 90 days after the vacancy occurs.

This section is effective the day following final enactment.

63 County Commissioner Vacancy; Option for Appointment. Permits a vacancy in the office of county commissioner to be filled by a board appointment at a regular or special meeting. This section requires a special election to be held if the vacancy occurs before the first day to file an affidavit of candidacy for the next county general election and more than two years remain in the unexpired term. The appointed person maintains the seat until the qualification of a successor at the special election.

This section is effective the day following final enactment.

64 City Charter Amendment Petitions. Requires that petitions filed to propose an amendment to a city charter be signed no earlier than 26 weeks before the general election.

65 Hospital District Write-in Candidates. Requires candidates for hospital district office wishing to have write-in votes counted for their candidacy to file a request with the appropriate filing officer no later than seven days prior to the election. The filing officer must make forms available on which the request can be made.

66 Repealers. Repeals the following sections of Minnesota law:

- Section 200.04: Help America Vote Act complaint procedures; these procedures are replaced in section 42 of this article. This repeal is effective January 1, 2008.
- Section 201.061, subdivision 7: Records of attempted voter registration by individuals unable to provide proof of residence submitted to the appropriate county auditor
- Section 201.096: Use of the statewide voter registration system for school

## district elections

- Section 203B.02, subdivision 1a: Permitting county boards to authorize any eligible voter to vote by absentee ballot, without qualification, between August 1991 and November 1992
- Section 203B.04, subdivision 5: Allows a voter to request an absentee ballot be automatically sent because of a permanent inability to go to the polls resulting from an illness or disability. This section has been deemed redundant; the repeal does not remove or modify any substantive rights. Voters may request "ongoing absentee" status under section 203B.04, subdivision 6 (section 17 of this article). This repeal is effective April 1, 2008.
- Section 203B.13, subdivision 3a: Creation of a list of voters requesting absentee ballots, to be submitted to an absentee ballot board and verified against voters actually appearing at the polling place.

### **Article 5: Election Clarifications**

## **Overview**

This article modifies various parts of the laws relating to election administration, by making technical terminology changes and specifying certain duties and requirements.

- 1 Conservation District Ballots. Permits either the title "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor" to be printed on the ballot as appropriate, based upon the usage in the district from which the supervisor is to be elected.
- 2 Registration. Replaces the term registration "card" with registration "application." This change brings the law into conformity with the Help America Vote Act of 2002.
- 3 Registration by Election Judges. Replaces the term registration "card" with registration "application." This change brings the law into conformity with the Help America Vote Act of 2002.
- 4 Deficient Registration. Eliminates the requirement that an election judge request an individual correct a voter registration application if the name or number of the voter's school district is missing or obviously incorrect.
- 5 Change of Registration. Requires a county auditor who receives an application indicating previous voter registration in another county update the voter's record through the statewide registration system. This section eliminates the current requirement that the auditor of the voter's old county be notified, and eliminates the requirement that an auditor who receives a registration card indicating that a voter was previously registered in a different precinct of the same county remove that registration card from the files.
- 6 Registration. Sections 6 through 9 replace the term registration "card" with registration "application." This change brings the law into conformity with the Help America Vote Act of 2002.
- 7 See section **Error! Unknown switch argument.**
- 8 See section **Error! Unknown switch argument..**
- 9 See section **Error! Unknown switch argument..**

- 10 Absentee Ballot Application Procedures. Establishes a cross reference to section 203B.11, subdivision 4, which permits patients in a health care facility, a participant in a residential program for adults, or a resident of a shelter for battered women to receive an absentee ballot on election day. The cross reference permits this process to continue, even though the law otherwise prohibits an application for an absentee ballot to be submitted on election day.
- 11 Registration. Replaces the term registration "card" with registration "application." This change brings the law into conformity with the Help America Vote Act of 2002.
- 12 Town Elections. Requires that absentee ballot applications for town elections be submitted to the town clerk for elections not held on the same day as a statewide election. This eliminates the current requirement that applications be submitted to the town clerk when the town election is conducted using the Australian ballot system.
- 13 Delivery of Envelopes. Replaces the term registration "card" with registration "application." This change brings the law into conformity with the Help America Vote Act of 2002.
- 14 Receipt of Ballots. Requires that the appropriate local official stamp or initial a returned absentee ballot envelope. This eliminates the requirement that the envelope be stamped with the official seal of the office.
- 15 Delivery of Absentee Ballot Applications. Eliminates the requirement that absentee ballot envelopes be delivered to the municipal clerks and election judges in the precinct if the envelopes have been accepted or rejected by an absentee ballot board.
- 16 Proof of Eligibility. Requires that when a candidate for judicial office, county attorney, or county sheriff submits proof of licensure along with their affidavit of candidacy, the proof be a copy of a current attorney or Peace Officer Standards and Training Board license, as appropriate.
- 17 Number of Signatures. Specifies the number of signatures required for federal or state office voted on statewide, for purposes of a nominating petition, to be the lesser of one percent of the total number of individuals voting in the last state general election, or 2,000. This provision expands this requirement for federal level to include nominating petitions for presidential electors, in addition to petitions for U.S. senate candidates.
- 18 Materials, ballots. Eliminates the requirement that candidate names be rotated evenly when printing school district election ballots, and instead requires the same procedures used for state elections.
- 19 Combined Polling Place. Requires that in school districts that have organized into separate board member election districts, a combined polling place must not include more than one board member election district.
- 20 Plan. Eliminates requirements for voting systems that applied to elections held in calendar year 2006.
- 21 **Social Security Number.** Permits voters to be included on the list of voters with incomplete registrations because of a failure to match the last four digits of the voter's social security number, even if the commissioner of public safety has not assembled a complete and current database of the last four digits of the social security number for each resident of the state as maintained by the Social Security Administration. A voter whose registration is classified as "incomplete" must provide the missing information at least 21 days before the next election, or at the polling place on election day.