

**Sharon Knutson**  
City Clerk

May 17 to May 31, 2016

TO: Candidates for Public Office

Congratulations on your active participation in local government. As you begin your campaign, I would like to provide you with some information that may be of assistance to you, including the following:

- Notice of Filing for Municipal Office
- Memorandum Regarding Filing Affidavit of Candidacy
- Petition In Place Of Filing Fee
- Memorandum Regarding Appearance of Name on Ballot
- 2016 City Council Members
- 2016 City Council Meeting Schedule
- Ordinance Setting Council Salaries (salary for 2017-2018 not yet set)
- Brooklyn Center City Charter
- Polling Locations with Precinct Map
- IRS Fact Sheet
- Campaign Financial Reporting Information
- Campaign Sign Regulations
- Voter Information Request Form
- Precinct Finder & Polling Place List Request
- Map Order Form
- Accepted Absentee/Mail Ballot List Request

**Use of City Logo During Campaigns:** The City of Brooklyn Center does not authorize the use of its logo for non City sponsored or supported activities, and the use of the City logo by candidates for public office should not be interpreted as City endorsement.

The agenda for regular City Council meetings is posted on the City's website at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org) late Thursday afternoon prior to the regularly scheduled Council meetings. A public copy of the complete City Council agenda packet is available for viewing on Friday and Monday in the Administration Department at City Hall and in the Council Chambers during the City Council meeting.

Please call me at 763-569-3306 with any questions you may have. You can also visit the City's website at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org) for City Council meeting agenda and election and voter information.

Sincerely,



Sharon Knutson, MMC  
City Clerk

Enclosures

**City Hall**

6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430-2199  
763.569.3300 · Fax: 763.569.3494

**Community Center**

6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430-2199  
763.569.3400 · Fax: 763.569.3434

**Police & Fire Departments**

6645 Humboldt Avenue North  
Brooklyn Center, MN 55430-1853  
763.569.3333 · Fax: 763.561.0717

## ***NOTICE OF FILING FOR MUNICIPAL OFFICE***

Notice is hereby given that the City of Brooklyn Center will accept Affidavits of Candidacy for the following municipal offices to be voted upon in the General Election to be held November 8, 2016:

Two (2) Council Members (four-year term commencing on January 2, 2017)

Individuals who are eligible and desire to become a candidate for the office of Council Member must file an Affidavit of Candidacy, along with the \$25 filing fee or Petition In Place Of Filing Fee, at the City Clerk's Office, City Hall, 6301 Shingle Creek Parkway, beginning 8:00 a.m., Tuesday, May 17, 2016, and ending 5:00 p.m., Tuesday, May 31, 2016. Filing offices will be closed Monday, May 30, 2016, in observance of Memorial Day.

### ***Qualifications for Filing Affidavit of Candidacy***

An Affidavit of Candidacy for municipal office is obtained from and filed with the City Clerk. An Affidavit of Candidacy shall state the name of the office sought and shall state that the candidate:

1. is an eligible voter\*;
2. has no other Affidavit on file as a candidate for any office at the same primary or next ensuing general election; and
3. is, or will be on assuming office, 21 years of age or more, and will have maintained residence in Brooklyn Center for 30 days before the general election (MS 204B.06, Subd 1).

\* "eligible voter" as defined in MS 201.014, Subd 1 is an individual who meets the following requirements at the time of an election:

1. be 18 years of age or older;
2. be a citizen of the United States; and
3. maintain residence in Minnesota for 20 days immediately preceding the election.

### ***Absent Candidates***

A candidate for municipal office who will be absent from the state during the filing period may submit a properly executed Affidavit of Candidacy and the appropriate filing fee or Petition In Place Of Filing Fee in person to the City Clerk. The candidate shall state in writing the reason for being unable to submit the Affidavit during the filing period. The Affidavit and filing fee or Petition In Place Of Filing Fee must be submitted to the City Clerk during the seven days immediately preceding the candidate's absence from the state.

### ***Withdrawal from Election***

A candidate for a municipal elective office may withdraw from the election by filing an Affidavit of Withdrawal with the City Clerk no later than 5:00 p.m. two days after the last day for filing an Affidavit of Candidacy. Thereafter, no candidate may file an Affidavit of Withdrawal (MS 205.13, Subd 6).



Sharon Knutson  
City Clerk

Dated: May 6, 2016

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#### **City Hall**

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763.569.3333 · Fax: 763.561.0717

**MEMORANDUM**

**TO:** Candidates for Public Office  
**FROM:** Sharon Knutson, City Clerk *Sharon Knutson*  
**DATE:** May 17 to May 31, 2016  
**SUBJECT:** **FILING AFFIDAVIT OF CANDIDACY**

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***Affidavit of Candidacy***

An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall obtain and file an Affidavit of Candidacy with the City Clerk.

***Filing Period***

An Affidavit of Candidacy for municipal office must be filed not more than 84 days nor less than 70 days before the municipal primary election, which is held on the second Tuesday in August in even-numbered years.

***Filing Fee or Petition In Place Of Filing Fee***

Along with an Affidavit of Candidacy, the candidate must also submit either the filing fee or a Petition In Place Of Filing Fee. The filing fee for a municipal office is \$25.00. Filing fees are non-refundable (MS 204B.11, Subd. 1). The Petition In Place Of Filing Fee must be signed by fifty (50) registered voters eligible to vote for the candidate.

***Qualifications for Filing Affidavit of Candidacy***

An Affidavit of Candidacy shall state the name of the office sought and shall state that the candidate:

- a. is an eligible voter\*;
- b. has no other Affidavit on file as a candidate for any office at the same primary or next ensuing general election; and
- c. is, or will be on assuming office, 21 years of age or more, and will have maintained residence in Brooklyn Center for 30 days before the general election (MS 204B.06, Subd. 1).

\*eligible voter as defined in MS 201.014, Subd. 1, is an individual who meets the following requirements at the time of an election:

- a. be 18 years of age or older;
- b. be a citizen of the United States; and
- c. maintain residence in Minnesota for 20 days immediately preceding the election.

***Withdrawal from Election***

A candidate for a municipal elective office may withdraw from the election by filing an affidavit of withdrawal with the City Clerk no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy. Thereafter, no candidate may file an affidavit of withdrawal (MS 205.13, Subd. 6).

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Office of the Minnesota Secretary of State  
**AFFIDAVIT OF CANDIDACY**

Filing #	_____
Cash/Check #	_____
Amount \$	_____

**Instructions**

All information on this form is available to the public. Information provided will be published on the [Secretary of State's website](#). If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (*Minn. Stat.* 204B.03)

**Candidate Information**

**Name and Office**

Candidate Name (as it will appear on the ballot) \_\_\_\_\_

Office Sought \_\_\_\_\_ District # \_\_\_\_\_

For Partisan Office, Provide Political Party or Principle \_\_\_\_\_

For Judicial Office, Provide Name of Incumbent \_\_\_\_\_

**Residence Address**

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

My residence address is to be classified as private data. I certify a police report has been submitted or I have an order for protection for my (or my family's) safety, or my address is otherwise private by Minnesota law. I have attached a separate form listing my residence address.

**Campaign Address and Contact**

Candidate Phone Number (Required) \_\_\_\_\_

Campaign Contact Address (Required for those who have checked the box above):

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Website \_\_\_\_\_ Email \_\_\_\_\_

**Affirmation**

For all offices, I swear (or affirm) that this is my true name or the name by which I am generally known in the community.

If filing for a state or local office, I also swear (or affirm) that:

- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in *M.S.* 204B.06, subd. 1 (2) );
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

If filing for one of the following offices, I also swear (or affirm) that I meet the requirements listed below:

- **United States Senator** – I will be an inhabitant of this state when elected and I will be at least 30 years old and a citizen of the United States for not less than nine years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **United States Representative** – I will be an inhabitant of this state when elected and I will be at least 25 years old and a citizen of the United States for not less than seven years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with \_\_\_\_\_
- **Supreme Court Justice, Court of Appeals Judge, District Court Judge, or County Attorney** – I am learned in the law and licensed to practice law in Minnesota. My Minnesota attorney license number is \_\_\_\_\_ and a copy of my license is attached.
- **State Senator or State Representative** – I will be a resident of Minnesota not less than one year and of this district for six months on the day of the general or special election.
- **County Sheriff** – I am a licensed peace officer in Minnesota. My Board of Peace Officer Standards and Training license number is \_\_\_\_\_ and a copy of my license is attached.
- **School Board Member** – I have not been convicted of an offense for which registration is required under *Minn. Stat.* 243.166.
- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary public or other officer empowered to take and certify acknowledgement

(Notary stamp)

Office of the Minnesota Secretary of State

ADDRESS OF RESIDENCE FORM

**Instructions**

This form is to be attached to the Affidavit of Candidacy when a candidate has checked the Private Data box.

The address of residence is classified as private data at the request of the candidate. The address of residence is used by the filing officer who received the affidavit of candidacy, upon written request of a registered voter, to determine whether the address of residence listed by the candidate is actually located in the area represented by the office sought, pursuant to *Minnesota Statutes*, section 204B.06, subd. 1b (b). While the candidate is not required to provide the address of residence, failure to provide the address of residence will result in an incomplete affidavit of candidacy and the rejection of the affidavit of candidacy, which will result in the omission of the candidate's name from any ballot in the election for which the candidate attempts to file the affidavit of candidacy and pay the filing fee. This information will be available to the filing officer to whom the written request is delivered, to employees of that filing officer and to other elections officials with whom that filing officer consults in order to obtain information necessary to make the determination whether the address of residence listed by the candidate is actually located in the area represented by the office sought.

**Candidate and Address of Residence**

Candidate Name			
Office Sought			
Street Address			
City	MN	ZIP Code	

**Statement**

Pursuant to *Minnesota Statutes* 204B.06, subd. 1b (c), I have requested that my address of residence be classified as private data. I certify that a police report has been submitted, or I have an order for protection regarding my safety or my family's safety.

Signature of candidate		Date	
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# PETITION IN PLACE OF FILING FEE

All information on this petition is subject to public inspection. Each applicant will be issued one petition form that must be reproduced prior to receiving signatures. Fifty (50) signatures of registered voters eligible to vote for the candidate are required to be filed with the Affidavit of Candidacy. (It is recommended to obtain more than 50 signatures to ensure that there are 50 registered voters). This petition must be filed during the filing period of May 17, 2016, to 5:00 p.m. on May 31, 2016. The signatures may be gathered prior to the filing period for this particular petition.

We, the undersigned qualified registered voters residing in the city of Brooklyn Center, Minnesota, understand that this petition will be presented in place of the filing fee by

\_\_\_\_\_, whose residence is \_\_\_\_\_, (name of candidate)

\_\_\_\_\_, in the city of Brooklyn Center, Minnesota, (candidate's street address)

at the time of filing an Affidavit of Candidacy for the Office of \_\_\_\_\_ Council Member \_\_\_\_\_ to be voted for at the

primary municipal election (if a primary is required) to be held on the 9th day of August 2016, and/or the regular municipal election to be held on the 8th day of November 2016.

## SIGNER'S OATH

**“I swear (or affirm) that I know the contents and purpose of this petition and that I signed this petition only once and of my own free will.”**

All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so.				
PRINT NAME (FIRST, MIDDLE, LAST)	SIGNATURE	YEAR OF BIRTH	RESIDENCE ADDRESS	DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

***Petition In Place Of Filing Fee Receipt***

There must also be filed in the office of the City Clerk by the end of the filing period an **Affidavit of Candidacy** form completed by the candidate listed in this petition.

If the **Petition In Place Of Filing Fee** has not been signed by the required number of qualified signatories, the City Clerk must notify the person who filed the petition.

This **Petition In Place Of Filing Fee**, if found insufficient by the City Clerk, shall be returned to the person submitting this petition as follows:

Name: \_\_\_\_\_ at Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date Petition Filed: \_\_\_\_\_

Total Number of Pages in the Petition Submitted: \_\_\_\_\_

Total Number of Signatures: \_\_\_\_\_



# Candidate Withdrawal

## Affidavit of Withdrawal

I, \_\_\_\_\_, certify that I filed an  
Affidavit of Candidacy for the office of \_\_\_\_\_  
on \_\_\_\_\_. I request that my name be withdrawn from the  
ballot pursuant to Minnesota Statutes, Section 205.13, Subd. 6.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Candidates may withdraw until 5 p.m. on the second day after the end of the filing period.

MEMORANDUM

TO: Candidates for Public Office

FROM: Sharon Knutson, City Clerk *Sharon Knutson*

DATE: May 17 to May 31, 2016

SUBJECT: **APPEARANCE OF NAME ON BALLOT**

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A candidate's name will appear on the ballot as printed on the Affidavit of Candidacy. There are certain Minnesota State Statutes that restrict words descriptive of a candidate's occupation, qualifications, principles, or opinions (M.S. 204B.35, Subd. 2), unless the similarity of surnames of two or more candidates for the same office at the same election may cause confusion to voters (M.S. 204B.38). If the City Clerk determines that use on the ballot of the candidate's name as written on the Affidavit of Candidacy would violate M.S. 204B.35, Subd. 2, the City Clerk shall immediately notify the candidate and shall certify for the ballot the candidate's true name instead of the name as written on the Affidavit (M.S. 204B.10, Subd 5).

The placement of a candidate's name on the ballot is regulated by Minnesota State Statutes and Secretary of State Rules. The initial order of the candidates' names are automatically determined by lot when submitted to Hennepin County to initiate the rotation method.

Ref: Minnesota State Statutes 204D.04, Subd. 2  
Minnesota State Statutes 204D.07, Subd. 1  
Minnesota State Statutes 204D.08, Subd. 3  
Minnesota State Statutes 205.13, Subd. 1  
Minnesota State Statutes 205.17, Subd. 1  
Secretary of State Rules 8220.0825, Subp. 1, 2, 3

**City Hall**

6301 Shingle Creek Parkway  
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763.569.3300 · Fax: 763.569.3494

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6645 Humboldt Avenue North  
Brooklyn Center, MN 55430-1853  
763.569.3333 · Fax: 763.561.0717



## 2016 City Council Members

Mayor Tim Willson  
7007 Dallas Road  
Brooklyn Center, MN 55430  
[mayorwillson@ci.brooklyn-center.mn.us](mailto:mayorwillson@ci.brooklyn-center.mn.us)  
phone: 763-503-5729  
voice: 763-569-3450  
Term of Office – 1/1/15 – 12/31/18; Held office since 1/1/07

April Graves  
6136 Brooklyn Boulevard  
Brooklyn Center, MN 55429  
[councilmembergraves@ci.brooklyn-center.mn.us](mailto:councilmembergraves@ci.brooklyn-center.mn.us)  
phone: 763-561-0413  
voice: 763-569-3448  
Term of Office – 1/1/15 – 12/31/18

Councilmember Kris Lawrence-Anderson  
5213 Eleanor Lane  
Brooklyn Center, MN 55429  
[councilmemberlawrence-anderson@ci.brooklyn-center.mn.us](mailto:councilmemberlawrence-anderson@ci.brooklyn-center.mn.us)  
phone: 612-801-0770  
voice: 763-569-3444  
Term of Office – 1/1/13 – 12/31/16

Councilmember Lin Myszkowski, *Acting Mayor Pro Tem 2016*  
3106 O'Henry Road  
Brooklyn Center, MN 55429  
[councilmembermyszkowski@ci.brooklyn-center.mn.us](mailto:councilmembermyszkowski@ci.brooklyn-center.mn.us)  
phone: 763-566-6622  
voice: 763-569-3447  
Term of Office – 1/1/13 – 12/31/16; Held office since 1/31/12

Councilmember Dan Ryan, *Mayor Pro Tem 2016*  
6442 Indiana Avenue North  
Brooklyn Center, MN 55429  
[councilmemberryan@ci.brooklyn-center.mn.us](mailto:councilmemberryan@ci.brooklyn-center.mn.us)  
phone: 763-535-4177  
voice: 763-569-3445  
Term of Office – 1/1/15 – 12/31/18; Held office since 1/1/07

City of Brooklyn Center  
2016 City Council Meeting Schedule

AMENDED 04/25/2016

<b>Regular City Council Meetings</b>	
<b>Council Chambers</b>	
<b>City Hall</b>	
<b>Study/Work Session</b>	<b>6:00 p.m.</b>
<b>Informal Open Forum</b>	<b>6:45 p.m.</b>
<b>Regular Session</b>	<b>7:00 p.m.</b>
<b>Work Session</b> (Continued)	immediately following Regular Session
<p>Brooklyn Center City Council regularly meets the 2nd and 4th <b>Monday</b> each month, unless Monday is a holiday.</p> <p><b>January 11</b> <b>January 25</b> <b>February 8</b> <b>February 22</b> <b>March 14</b> <b>March 28</b> <b>April 11</b> <b>April 25</b> <b>May 9</b> <b>May 23</b> <b>June 13</b> <b>June 27</b> <b>July 11</b> <b>July 25</b> <b>August 8</b> <b>August 22</b> <b>September 12</b> <b>September 26</b> <b>October 10</b> <b>October 24</b> <b>November 14</b> <b>November 28</b> <b>December 12</b></p>	

<b>Special City Council Meetings</b>	
All dates are <b>Monday</b> unless otherwise noted.	
<b>April 6 (Wednesday)</b>	<b>6:00 p.m.</b>
Joint Session w/Commissions	CH
<b>April 18</b>	<b>7:00 p.m.</b>
Board of Appeal & Equalization	CC
<b>May 2</b>	<b>6:00 p.m.</b>
Continued Board of Appeal & Equalization	CC
<b>June 6</b>	<b>6:30 p.m.</b>
Work Session w/Auditor and Budget Work Session w/Financial Commission	CC
<b>July 18</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>August 3 (Wednesday)</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>August 12 (Friday)</b>	<b>5:00 p.m.</b>
Canvass Returns of Municipal Primary Election	CC
<b>August 15</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>August 29</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>October 3</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>October 17</b>	<b>6:30 p.m.</b>
Work Session w/ Financial Commission	CC
<b>November 7</b>	<b>6:30 p.m.</b>
Work Session w/Financial Commission	CC
<b>November 14</b>	<b>5:45 p.m.</b>
Canvass Returns of Municipal General Election	CC
<b>December 5</b>	<b>7:00 p.m.</b>
2017 Budget Hearing and Special Meeting	CC

All dates are subject to change. Call City Hall at 763-569-3300 to verify dates and times. Strikethrough indicates meeting has been CANCELED.

- CC** – Council Chambers located in upper level City Hall
- CR** – Council/Commission Conference Room located in lower level City Hall
- CH** – Constitution Hall located at Community Center
- EBHC** – Earle Brown Heritage Center, 6155 Earle Brown Drive
- AA** – All America Conference Room located in lower level City Hall

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 11th day of August 2014, at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider An Ordinance Amending Ordinance 2012-04 Regarding Council Salaries for 2015-2016.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at 763-569-3300 to make arrangements.

ORDINANCE NO. 2014-07

AN ORDINANCE AMENDING ORDINANCE NO. 2012-04 REGARDING COUNCIL SALARIES FOR 2015-2016

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

**Section 1.** City of Brooklyn Center Ordinance No. 2012-04 which amended the amount of the annual compensation to be paid to the Mayor and Council Members to become effective January 1, 2013, is hereby amended.

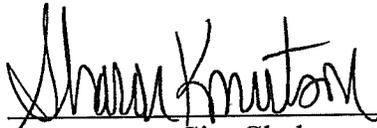
**Section 2.** Effective January 1, 2015, the annual salary for the Mayor shall be \$11,846 and the annual salary for Council Members shall be \$9,070.

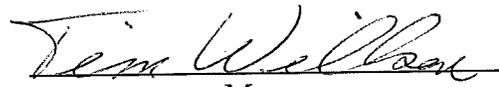
**Section 3.** Effective January 1, 2016, the annual salary for the Mayor shall be \$11,846 and the annual salary for Council Members shall be \$9,070.

**Section 4.** This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this 11 day of August, 2014.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Date of Publication: August 21, 2014

Effective Date: September 20, 2014

(~~Strikeout~~ indicates matter to be deleted, underline indicates new matter.)



# City Charter

*Adopted: November 8, 1966*

*Effective: December 8, 1966*

*Last revision: September 16, 2015*

## CHAPTER 2

### FORM OF GOVERNMENT

Section 2.01. FORM OF GOVERNMENT. The form of government established by this charter is the "Council-Manager Plan". The Council shall exercise the legislative power of the City and determine all matters of policy. The City Manager shall be the head of the administrative branch of the City Government and shall be responsible to the Council for the proper administration of all affairs relating to the City.

Section 2.02. BOARDS AND COMMISSIONS. There shall be no separate administrative board of health, library board, park board, or any other administrative board or commission, except for civil service commissions and boards and for the administration of a function jointly with another political subdivision. The Council shall itself be and perform the duties and exercise the powers of such boards and commissions. The Council may, however, establish boards or commissions to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions.

Section 2.03. ELECTIVE OFFICERS. The Council shall be composed of a Mayor and four Council members who shall be registered voters of Brooklyn Center, and who shall be elected at large. Each Council member shall serve for a term of four (4) years. The Mayor shall serve for a term of four (4) years. The Council shall be canvassers of the election of the Mayor and the Council members.

Section 2.04a. INCOMPATIBLE OFFICES. No member of the Council shall be appointed City Manager, nor shall any member hold any other paid municipal office or employment for the City; and until one (1) year after the expiration of the member's term or the member's resignation as Mayor or Council member, no former member shall be appointed to any paid appointive office or employment for the City except as provided in Section 2.05.

Section 2.04b. PRIVATE EMPLOYMENT. No former Mayor or Council member may, within one (1) year after leaving the position, appear or participate in proceedings before the Council except to represent the former member's own personal interests as a private citizen of the City of Brooklyn Center.

Section 2.05. VACANCIES IN THE COUNCIL. When, for any reason, a vacancy should occur in the City Council or office of the Mayor, the City Council must publicly declare such vacancy and specify the date of occurrence of the vacancy within ten (10) days of its occurrence. Notice of the vacancy shall be posted at City Hall and sent to the official city newspaper on the next business day. The Mayor or Council member shall forfeit the office for (1) lack at any time during the term of office of any qualification for the office prescribed by this charter or by law, (2) violation of any express prohibition of this charter, (3) conviction of a crime involving moral turpitude, (4) failure to attend three consecutive regular meetings of the Council without being excused by the Council, or (5) departure of residence from the City. If the unexpired term of the Council vacancy is less than one year from the date of the occurrence of the vacancy, the Council by a majority vote of all its remaining members may either appoint a qualified person to fill the vacancy or call for a special

election. If the unexpired term of the Council vacancy is one year or longer, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day. A quorum of the Council consists of three (3) members; if at any time the membership of the Council is reduced to fewer than three (3) members, the remaining members may by unanimous action appoint additional members to raise the membership to three (3) without following the procedures set forth in Section 2.05b.

Section 2.05a. PROCEDURES TO FILL COUNCIL VACANCIES BY SPECIAL ELECTION. If the unexpired term of the council vacancy is one year or longer, or if the unexpired term of the Council vacancy is less than one year and the Council chooses not to fill the vacancy through the appointment process, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. The special election shall be held not sooner than sixty (60) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Section 2.05b. PROCEDURES TO FILL COUNCIL VACANCIES BY COUNCIL APPOINTMENT. If the unexpired term of the council vacancy is less than one year, the Council by a majority vote of all its remaining members may appoint a qualified person to fill the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day and shall include the following description of the application and appointment process, which shall be followed by the City Council:

1. Uniform applications in a form approved by the City Council must be received by the City Clerk, no later than twenty-one (21) days from the date of the declared vacancy. Application forms submitted by the applicants are public documents. Applications shall request, at a minimum, all information required by Minnesota Statutes of candidates filing for the office. Additional information forms may be adopted by the City Council and shall be required of each applicant uniformly. The applicant may submit a resume, in addition to the uniform application forms.
2. Tentative interview scheduling shall be completed and posted at City Hall no later than twenty-five (25) days from the declared vacancy. Applicants shall be responsible for requesting schedule changes.
3. Interview process shall not start earlier than twenty-eight (28) days from the declared vacancy.
  - a. Applicants shall be interviewed by the Council, in accordance with the State of Minnesota open meeting laws.

- b. A uniform list of initial questions to be asked of all applicants shall be made available to the public and the applicants in advance of interviews. To the extent reasonably practicable, questions asked of all applicants at the interviews shall be uniform.
4. Selection Process. Upon completion of the interview process, the Council may call for a vote to appoint an applicant. Each Council member may cast only one vote for a preferred applicant on each called-for vote to appoint. No vote, which does not result in a majority vote for one candidate, shall result in elimination from consideration of any candidate. Written ballots listing the applicant(s) shall be used. Each Council member's vote shall be recorded. A simple majority of the Council votes shall appoint that applicant to the City Council.
5. If the Council pursues the appointment process but then fails to fill a vacancy within forty-five (45) days from the occurrence of the vacancy, the City Clerk shall call a special election to fill the vacancy. The special election shall be held not sooner than one hundred five (105) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.
6. The City shall comply with the Minnesota Data Practices Act in all respects in the collection, management, and dissemination of data on applicants for City Council vacancies.

Section 2.06. THE MAYOR. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council and shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.07. SALARIES. The Mayor and the members of the Council shall receive payment as set by ordinance. No change in salary shall take effect until the January 1 following the next succeeding general municipal election. The City Manager and all the subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Section 2.08. INVESTIGATION OF CITY AFFAIRS. The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the City government, and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. INTERFERENCE WITH ADMINISTRATION. The Council shall by ordinance establish a merit system in all or part of the City administration, but neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this charter. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

## CHAPTER 3

### PROCEDURE OF COUNCIL

Section 3.01. COUNCIL MEETINGS. The City Council shall hold regular meetings at such time and place as it by motion shall determine. Officers elected at the time of a regular municipal election provided for by this charter shall be sworn in and assume the duties of the office to which they were elected on or after the first business day of January, or at the first City Council meeting in January, or as soon thereafter as practical. Officers elected at a special election shall be sworn in and assume the duties of office to which they were elected on any business day or at any City Council meeting after the issuance by the City Clerk of the Clerk's certificate of election. Newly appointed Council members shall take the oath of office and assume the duties of office upon appointment, or on any business day, or at any Council meeting after being appointed. The Mayor or any two members of the Council may call special meetings of the Council upon at least twenty-four (24) hours' written notice to each member of the Council. Such notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. All meetings of the Council shall be in compliance with the Minnesota Open Meeting Law, and any records thereof shall be made available at all reasonable times.

Section 3.02. SECRETARY OF COUNCIL. The City Clerk or the City Clerk's designee shall act as Secretary of the Council. The Clerk shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this charter or as the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk, the Council may designate any other official or employee of the City (except the City Manager or a member of the Council) to act as Secretary of the Council.

Section 3.03. RULES OF PROCEDURE AND QUORUM. The Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. ORDINANCES, RESOLUTIONS AND MOTIONS. Except as otherwise provided in this charter, all legislation shall be by ordinance. The aye and no vote and abstentions on ordinances, resolutions and motions shall be recorded. An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. PROCEDURE ON ORDINANCES. The enacting clause of all ordinances shall be in the words "City of Brooklyn Center does ordain". Every ordinance shall be presented in writing. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced, and at least seven (7) days shall elapse between its introduction and its final passage. Every ordinance, other than an emergency ordinance, shall be published in the official newspaper at least one week prior to the final passage.

Section 3.06. EMERGENCY ORDINANCE. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by unanimous vote of the Council members present. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

Section 3.07. PROCEDURE ON RESOLUTIONS. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor, or Acting Mayor, attested by the City Clerk, and filed and preserved. Every ordinance shall be published at least once in the official newspaper.

Section 3.09. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. A resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed in it. Every other ordinance shall take effect thirty (30) days after publication or at such later date as is fixed therein. Every ordinance adopted by the voters of the City shall take effect immediately upon its adoption, or at such later times as is fixed therein.

Section 3.10. AMENDMENT AND REPEAL OF ORDINANCES. Every ordinance repealing a previous ordinance, section or subdivision thereof shall give the number, if any, and the title of the ordinance to be repealed in whole or in part. No ordinance, section, or subdivision thereof shall be amended by reference to the title alone. Such an amending ordinance shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring, and the old matter to be omitted, by strikethrough method. In newspaper publication of ordinances, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter be printed using the strikethrough method.

Section 3.11. CODIFICATION AND PUBLICATION OF ORDINANCES. The City shall codify and publish an ordinance code in book, pamphlet or continuous reference loose leaf form. Copies shall be made available by the Council at the office of the City Clerk for general distribution to the public in accordance with Council policy. The City Code shall be published and maintained on the City's website.

## CHAPTER 4

### NOMINATIONS AND ELECTIONS

Section 4.01. THE REGULAR MUNICIPAL ELECTION. A regular municipal election shall be held on the first Tuesday after the first Monday in November of even-numbered years at such place or places as the City Council may designate. The City Clerk shall give at least two (2) weeks previous notice of the time and place of holding such election and of the officers to be elected and such other matters to be voted upon by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 4.02. PRIMARY ELECTIONS. On Tuesday, at least six (6) weeks in advance of the regular municipal election, there shall be a primary election for the selection of two nominees for each elected office at the regular municipal election unless no more than two nominees file for each elective office. [City Clerk's Note: Minnesota Statutes, Section 205.065, Subd. 1 provides that a municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers.] When two vacancies exist on the Council and the number of candidates is more than four, the four candidates receiving the highest number of votes shall be the nominees for the offices named. The City Clerk shall give at least two (2) weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in at least one (1) public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 4.03. SPECIAL ELECTIONS. The Council may by resolution order a special election and provide all means for holding it. At least three (3) weeks of weekly published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.04. FILE BY FEE OR BY PETITION. Upon receiving a completed Affidavit of Candidacy form and the payment of a filing fee of twenty-five dollars (\$25) by a potential candidate or filing by the petition of fifty (50) registered voters on behalf of the candidate, the Clerk shall certify the eligibility of the candidate and place the name of the candidate upon the election ballot without partisan designation.

Section 4.05. WITHDRAWAL OF CANDIDATE. Any person whose name has been presented in the manner provided for in the foregoing section as a candidate may, no later than 5:00 p.m. two days after the last day for filing, cause such name to be withdrawn from nomination by filing with the City Clerk a request to do so in writing, and no name so withdrawn shall be printed upon the ballot.

Section 4.06. CANVASS OF ELECTION. The Council shall meet and canvass the election returns between the third (3rd) and the tenth (10th) day after any regular, primary or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the true vote for each candidate, with an indication of those who were elected or nominated; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected or nominated of their election or nomination. In case of a tie vote, the Council shall determine the result by lot. The City Clerk shall be the final custodian of the ballots.

Section 4.07. PROCEDURE AT ELECTIONS. The City Council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this charter and the laws of the State of Minnesota when applicable.

## CHAPTER 5

### INITIATIVE AND REFERENDUM

Section 5.01. POWERS RESERVED BY THE PEOPLE. The people of Brooklyn Center reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to require an ordinance when adopted by the Council to be referred to the registered voters for approval or disapproval. These powers shall be called the initiative and referendum.

Section 5.02. EXPENDITURES BY PETITIONERS. No member of any initiative or referendum committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary, or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationery, copying, printing, advertising and notaries' fees. The committee, at least five (5) days before the election, shall file with the City Manager a financial statement verified by a member of the committee, which shall show in itemized detail, all receipts, with the source thereof, and all disbursements and all obligations to make disbursements. Any violation of the provisions of this paragraph shall constitute a misdemeanor.

Section 5.03. INITIATION OF MEASURES. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinances except an ordinance appropriating money or authorizing the levy of taxes. Before circulating any petition they shall file a verified copy of their proposed ordinance with the City Clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors thereof.

Section 5.04. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five per cent (5%) of the total number of registered voters at the time of the last regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to \_\_\_\_\_ (stating the purpose of the ordinance) a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned qualified registered voters, understanding the terms and nature of the ordinance attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the vote of the voters for their approval or disapproval:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above.)

Section 5.05. FILING OF PETITION AND ACTION THEREON. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination, the number of registered voters whose signatures are appended thereto and whether this number is at least five per cent (5%) of the total number of registered voters at the time of the last regular municipal election.

If the Clerk finds the petition insufficient or irregular, the Clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for such finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall so notify each member of the committee of that fact and file the petition as an official City record. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the voters at the next regular or special election.

Section 5.06. ACTION OF COUNCIL ON PETITION. When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to a vote at the next regular municipal election, but if the number of signers of the petition is equal to at least fifteen (15) per cent of the total number of registered voters at the time of the last regular municipal election, the Council shall call a special election upon the measure.

Such special election shall be held not less than thirty (30) nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the voters.

Section 5.07. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the votes on any such ordinance are in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voters shall be allowed to vote for or against each separately. In case of inconsistency between two (2) initiated ordinances approved at one election, the one (1) approved by the higher percentage of voters voting on the question shall prevail to the extent of the inconsistency.

Section 5.08. AMENDMENT OR REPEAL. Any ordinance adopted by the vote of the people cannot be repealed or amended except by a vote of the people.

Section 5.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this charter shall be construed as in any way affecting the right of the registered voters, under the constitution and statutes of Minnesota, to propose amendments to this charter.

MINNESOTA STATUTES ANNOTATED  
Section 410.12 Subdivision 7  
Charter Amendment by Ordinance

Subd. 7. Amendment by ordinance. Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Such an ordinance, if enacted, shall be adopted by the council by an affirmative vote of all its members after a public hearing upon two weeks published notice containing the text of the proposed amendment and shall be approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. Such petition shall be signed by qualified voters equal in number to two per cent of the total number of votes cast in the city at the last state general election or 2,000 whichever is less. If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of (Minnesota Statutes 410.12) subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to filing of such ordinance when approved by the voters.

Section 5.10. THE REFERENDUM. If prior to the date when an ordinance takes effect a petition signed by qualified registered voters of the City equal in number to ten (10) per cent of the total number of registered voters at the time of the last regular municipal election is filed with the City Clerk requesting that any such ordinance be repealed or submitted to a vote of the registered voters, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and by a majority vote either repeal or affirm the ordinance as passed. If the ordinance is affirmed, the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the voters voting on the ordinance is opposed to the ordinance, it shall not become effective; but if a majority of the voters favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. REFERENDUM PETITION. The requirements laid down in Section 5.03 and 5.04 above as to the formation of committees, the form of petitions and signature papers, for the initiation of ordinances shall apply to the referendum, but with such changes as may be necessary. A referendum petition shall read substantially as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to \_\_\_\_\_  
(stating the purpose of the ordinance) a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The Undersigned qualified registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its repeal, or in lieu thereof, for its submission to a vote of the voters for their approval or disapproval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above.)

Section 5.12. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 5.07 of this charter for initiative ballots.

## CHAPTER 6

### ADMINISTRATION OF CITY AFFAIRS

Section 6.01. THE CITY MANAGER. The City Manager shall be the Chief Administrative Officer of the City and shall be chosen by the Council solely on the basis of training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the City or State. The City Manager shall be a citizen of the United States and shall be appointed for an indefinite period. The City Manager shall be removable by the Council at will, provided, however, that if removed at any time after one year of service, the City Manager may, within fifteen (15) days after such removal, demand written charges and a public hearing on the same before the Council; but pending and during such hearing, the Council may suspend the City Manager from office with or without pay. Such public hearing shall take place within thirty (30) days after the demand for the same and the written charges shall be furnished to the City Manager by the Council at least ten (10) days before the hearing. During the suspension, absence or disability of the City Manager, or in case of a vacancy in the office of the City Manager, the duties of said office shall be performed by some properly qualified person designated by the Council as acting manager.

Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

Subdivision 1. Subject to the provisions of this charter, any Council regulations consistent therewith, and other applicable laws, the City Manager shall control and direct the administration of the City's affairs. The City Manager shall have the powers and duties set forth in the following subdivisions.

Subdivision 2. The City Manager shall see that this charter and the laws and resolutions of the City are enforced.

Subdivision 3. The City Manager shall appoint, upon the basis of merit and fitness and may suspend or remove upon the basis of merit and fitness, and upon the provisions of all applicable ordinances, all officers and employees of the City, except the City Attorney, whose appointment and removal shall be at the discretion of the Council.

Subdivision 4. The City Manager shall exercise control over all departments and divisions of the City administration created by this charter or by the Council.

Subdivision 5. The City Manager shall attend all meetings of the Council, unless excused by the Mayor, with the right to take part in the discussion, but not to vote; but the Council may in its discretion exclude the City Manager from any meeting at which the removal of the City Manager is considered.

Subdivision 6. The City Manager shall recommend to the Council for adoption such measures as the City Manager may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7. The City Manager shall keep the Council fully advised as to the financial condition and needs of the City, and shall prepare and submit to the Council the annual budget.

Subdivision 8. The City Manager shall prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and shall, from time to time, suggest amendments to such code.

Subdivision 9. The City Manager shall perform such other duties as may be prescribed by this charter or by law or required of the City Manager by ordinance or resolutions adopted by the Council.

Section 6.03. DEPARTMENTS OF ADMINISTRATION. The Council may create or abolish such departments, division, and bureaus for the administration of the City's affairs as may seem necessary, and from time to time alter their powers and organization. It may, in conjunction with the City Manager, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.04. SUBORDINATE OFFICERS. There shall be a City Clerk, City Treasurer, and such other officers subordinate to the City Manager as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Manager, and shall have duties in connection with the keeping of the public records and such other duties as may be assigned by the City Manager or by the provisions of this charter. The City Treasurer shall have such duties in connection with the receipt, disbursement and custody of public funds as may be assigned by the City Manager and other provisions of this charter. The provisions of this charter shall not be construed so as to prevent the combining of the offices of City Clerk and City Treasurer. The Council may by ordinance abolish offices which have been created by ordinance, and may combine the duties of various offices as it may see fit.

Section 6.05. PURCHASES AND CONTRACTS. The City Council shall by resolution establish and maintain a purchasing policy for the City of Brooklyn Center. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the City.

Section 6.06. CONTRACTS: HOW LET. Every contract for the purchase of supplies, materials, equipment or the rental thereof, the construction, alteration, repair or maintenance of real or personal property shall be in accordance with the Uniform Municipal Contracting Law, M.S.A. Section 471.345. Subject to the provisions of this charter, the Council may by resolution adopt further regulations for the making of bids and the letting of contracts.

## CHAPTER 7

### TAXATION AND FINANCES

Section 7.01. COUNCIL TO CONTROL FINANCES. The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02. FISCAL YEAR. The fiscal year of the City shall be the calendar year.

Section 7.03. SYSTEM OF TAXATION. Subject to the State constitution, and except as forbidden by it or by State legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform as fully as possible to the general State law as to the assessment of such property and the collection of such taxes.

Section 7.04. BOARD OF APPEAL AND EQUALIZATION. The Council shall constitute a Board of Appeal and Equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05. PREPARATION OF THE ANNUAL BUDGET. The City Manager shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all the funds of the City except the funds made up of proceeds of bond issues, public service enterprise funds, and special assessments funds, and may include any of such funds at the discretion of the Council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the City. The budget shall show the income and expenditures classified in accordance with generally accepted accounting principles. The City Manager shall submit with the estimates such explanatory statements as the City Manager may deem necessary, and under this charter, the City Manager shall interpret this section as requiring comparisons of the City's finances with the two previous budgets of this municipality.

Section 7.06. PASSAGE OF ANNUAL BUDGET. At least thirty (30) days prior to the adoption of the proposed annual budget and/or property tax levy required by state law, the City Manager shall submit a preliminary proposed budget and/or property tax levy to the City Council. Public hearings, notices of public hearings, and other legal publication requirements shall be in accordance with state law. Complete copies of the City Manager's proposed budget shall be available for public view at all meetings at which the Council reviews the proposed budget. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the City for the ensuing fiscal year for the funds budgeted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purpose according to Section 7.05. The total sum appropriated shall be equal to the total estimated revenue and allocated surplus. The Council shall adopt the budget not later than three (3) calendar days prior to the statutory requirement for certification of the budget to the County Auditor by a resolution which shall set forth the total for each budgeted fund and each department

with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

Section 7.07. ENFORCEMENT OF THE BUDGET. It shall be the duty of the City Manager to enforce the provisions of the budget as specified in the budget resolution. The City Manager shall not authorize or approve any expenditure unless an appropriation has been made in the budget resolution and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. No officer or employee of the City shall place any orders or make any purchases except for the purposes authorized in the budget. Any obligation incurred by any person in the employ of the City for any purpose not in the approved budget or for any amount in excess of the amount appropriated in the budget resolution or in excess of the available monies in any fund of the City may be considered a personal obligation upon the person incurring the expenditure.

Section 7.08. ALTERING OR ADJUSTING THE BUDGET. After the budget shall have been duly adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. This provision shall in no way be construed as limiting the discretion of the Council to appropriate monies from accumulated surplus in an amount equal to a previous appropriation if not, in fact, expended or encumbered for that purpose in the previous fiscal year. The Council may at any time, by resolution approved by a four-fifths (4/5) majority of its members, reduce the sums appropriated for any purpose by the budget resolution. The Council may, by a majority vote of its members, transfer unencumbered appropriation balances from one office, department or agency to another within the same fund. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Section 7.09. CONTINGENCY APPROPRIATION IN BUDGET. The Council may include a contingency appropriation as a part of the budget but not to exceed five per cent (5%) of the total appropriation of the general fund made in the budget for that year. A transfer from the contingency appropriation to any other appropriation shall be made only by a majority vote of the members of the Council. The funds thus appropriated shall be used only for the purposes designated by the Council.

Section 7.10. DISBURSEMENTS. HOW MADE. No disbursements of City funds shall be made except by check bearing the actual or facsimile signature of the City Manager and the Treasurer. Such checks shall bear a statement specifying the purposes for which the disbursement is made and the fund from which it is drawn, or a check register shall be prepared and maintained which shall contain the aforementioned information. No such check shall be issued until there is money to the credit of the fund from which it is to be paid, sufficient to pay it together with all outstanding encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll or time sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The City Manager shall note on

each contract requiring the payment of money by the City the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

Section 7.11. FUNDS TO BE KEPT. There shall be maintained in the City Treasury a classification of funds which shall provide for a general fund for the payment of such expenses of the City as the Council may deem proper, and such other funds as may be required by statute, ordinance or resolution. The Council shall have full power by ordinance or resolution to make interfund loans, except from trust and agency funds, as may be deemed necessary and appropriate from time to time. The Council shall have full authority by ordinance or resolution to make permanent transfers between all funds which may be created, provided that such transfers are not inconsistent with the provisions of relevant covenants, the provisions of this charter or State statute.

Section 7.12. ACCOUNTS AND REPORTS. The City Manager shall be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances adopted in accord therewith. The City Manager shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all budgeted funds, and such other information about the finances of the City as the Council may require. Once each year, on or before the last day of June, the City Manager shall submit an audited report to the Council covering the entire financial operations of the City for the past year. Such report, or summary thereof, shall be published in the official City newspaper on or before July 31 of each year.

Section 7.13. CITY INDEBTEDNESS. Except as provided in Section 7.14 and 7.15 no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by state law, no such obligations shall be issued and sold without the approval of the majority of the registered voters of the City voting on the question at a general or special election.

Section 7.14. TAX ANTICIPATION CERTIFICATES. At any time after January 1 following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 90 per cent (90%) of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine and shall bear interest at no more than the lawful rate, but they shall become due and payable not later than the first (1st) day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.15. EMERGENCY DEBT CERTIFICATES. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance or by emergency ordinance, issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two (2) years and to bear interest not to exceed the maximum limit provided by law.

## CHAPTER 8

### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City shall have the power to make any and every type of public improvement not forbidden by the laws of this State and to levy special assessments for all or any part to the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.

Section 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of snow, rubbish or weed removal, and sprinkling or any other service to streets, sidewalks, or other public property, or the cost of any service to other property, undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. LOCAL IMPROVEMENTS REGULATIONS. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law applicable thereto. The Council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinances shall be amended only by an affirmative vote of at least four-fifths (4/5) of the members of the Council. In the absence of such ordinances all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

Section 8.04. PUBLIC WORKS: HOW PERFORMED. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The City shall require contractors to give bonds or other guarantees approved by the City Manager for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

## CHAPTER 9

### EMINENT DOMAIN

Section 9.01. POWER TO ACQUIRE PROPERTY. The City may acquire by purchase, gift, devise, or condemnation, any property, real or personal, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. Easements for slopes, fills, access, drainage, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 9.02. PROCEEDINGS IN ACQUIRING PROPERTY. The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by a resolution which shall describe such property clearly and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the laws of this state, except as otherwise provided in this charter.

Section 9.03. PAYMENT OF AWARD. The City shall, within seventy (70) days after the filing of the commissioner's report, or in case of an appeal within forty-five (45) days after the final judgments or stipulations of settlement thereon, pay any award of damages allowed pursuant to this section and State law whether by the commissioners or upon appeal.

Section 9.04. CITY MAY DISMISS PROCEEDINGS. The City may dismiss all or part of the property being acquired in a condemnation proceeding. When the proceeding is dismissed, the City shall pay all reasonable costs and expenses incurred by the condemnee including attorney's fees.

Section 9.05. CITY MAY TAKE ENTIRE PLANT. If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceeding as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, franchise values, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

## CHAPTER 10

### FRANCHISES

Section 10.01. FRANCHISES REQUIRED. The Council may grant to a person, firm, or corporation a franchise as a privilege to operate a public utility or service within the City, except as otherwise provided by law. No person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures, in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

Section 10.02. TERM. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. PUBLIC HEARING. Before any franchise or privilege ordinance is adopted, altered, modified, extended or renewed, the Council shall hold a public hearing upon ten (10) days published notice in the official newspaper. Additional notice of such hearing may be given in such a manner as the Council may determine.

Section 10.04. POWER OF REGULATION RESERVED. Subject to the applicable law, the Council shall retain and reserve the power to alter, modify, regulate and control the exercise of any existing franchise or privilege, including the maximum rates, fares or prices charged by the grantee, whenever it appears necessary in the public interest so to do. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares or prices under any applicable law, ordinance, or regulation, or in proceedings, for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05. RENEWALS OR EXTENSIONS. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATIONS OF UTILITIES

Section 11.01. ACQUISITION AND OPERATION OF UTILITIES. The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but such acquisition action may only be taken by an ordinance, approved by a majority of the electors voting thereon, at a general or special election. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Section 11.02. RATES AND FINANCES. Upon recommendation made by the City Manager or upon its own motion, the Council may fix rates, fares and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. The Council shall endeavor to make each municipal utility financially self-sustaining and shall not use any municipal utility operation directly or indirectly as a general revenue producing agency for the City. Before any rates, fares or prices for municipal utilities shall be fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06. The Council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Section 11.03. PURCHASE IN BULK. The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix. Before such rates are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06.

Section 11.04. LEASE OF PLANT. The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by a majority of the electors voting thereon, at a general or special election. In no case shall such contract be for a longer term than ten (10) years.

Section 11.05. PUBLIC UTILITY. HOW SOLD. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon, at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of State law.

Section 11.06. NOTICE OF PUBLIC HEARINGS. Notice of public hearings required by this Chapter shall be published at least once in the official newspaper at least ten (10) days prior to the date of the hearing. Additional notice of such public hearings may be given in such manner as the Council may determine.

## CHAPTER 12

### MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 12.01. OFFICIAL PUBLICATIONS. The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this manner.

Section 12.02. OATH OF OFFICE. Every officer of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State to discharge faithfully the duties devolving upon me as (Mayor, Council member, City Manager, etc.) of the City of Brooklyn Center to the best of my judgment and ability".

Section 12.03. CITY OFFICERS AND EMPLOYEES NOT TO BE INTERESTED IN CONTRACTS. Except as otherwise permitted by law, no officer or employee of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit therefrom.

Section 12.04. OFFICIAL BONDS. The City Manager, the City Clerk, the City Treasurer, and such other officers or employees of the City as may be provided for by ordinance shall each before entering upon the duties of such respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of prescribed official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They shall be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The provisions of the laws of the State relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Section 12.05. SALES OF REAL PROPERTY. No real property of the City shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used, as far as possible, to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this property. Whenever the outstanding indebtedness against the sold property has been satisfied, the remaining proceeds shall be used for any of the following purposes:

- (1) Purchase additional real property or construct or make improvements on existing City-owned real property.
- (2) Reduce indebtedness on other City-owned real property.
- (3) Establish a reserve for future acquisition or improvement of real property.

Section 12.06. VACATION OF STREETS. The Council may by ordinance approved by at least four-fifths (4/5) of the members of the Council vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.07. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER MUNICIPALITY. The City of Brooklyn Center shall remain vested with and continue to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Brooklyn Center, and shall be subject to all liability which exist against said Village on said date of charter. The municipal liquor stores which have been established in the Village of Brooklyn Center shall continue and may be operated by the City in the same manner as before the adoption of this charter. Nothing in this charter shall be construed as limiting in any manner such continuance or restricting in any way the addition of new stores or relocation of existing stores, provided, however, that the liquor dispensary may be disestablished by a majority vote of those electors voting on the question.

Section 12.08. PRESENT OFFICERS TO HOLD OFFICE TILL WHEN. The present officers of the City shall continue in their respective offices and functions until their successors are chosen and qualify, and shall continue to govern the City in the usual manner. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this charter.

Section 12.09. STATUTES NOT AFFECTED BY CHARTER. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Brooklyn Center operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Brooklyn Center, and shall be construed as supplementary to the provisions of this charter.

Section 12.10. EXISTING ORDINANCES AND RESOLUTIONS CONTINUED. All ordinances, resolutions and regulations of the municipality in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 12.11. PENDING CONDEMNATIONS AND ASSESSMENTS. Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the municipality prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 12.12. ORDINANCES TO MAKE CHARTER EFFECTIVE. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 12.13. FINES AND PENALTIES.

Subdivision 1. The Council shall establish by ordinance a procedure for imposing an administrative penalty for violations of the City Code or a City ordinance. The procedure shall provide that any party charged with an administrative penalty will receive notice of a violation and an opportunity to be heard by a neutral party. The procedure shall authorize the City to use the services of a third party hearing officer to decide whether an administrative penalty should be imposed.

Subdivision 2. Upon passage of an administrative penalty ordinance, the City Council shall provide by ordinance that unpaid administrative penalties be collected as a special assessment against property. The ordinance shall provide that the City will first attempt to obtain voluntary payment of the penalty. The ordinance shall also provide that notice and opportunity to be heard be given to the property owner listed on the official tax records before the penalty is assessed.

BROOKLYN CENTER CITY CHARTER CHRONOLOGY

First published in the Brooklyn Center Post the 20th day of October 1966.  
Referendum vote conducted the 8th day of November 1966.  
Effective the 8th day of December 1966.

AMENDMENTS

- Chapter 2 amended by Ordinance No. 73-10 effective August 22, 1973.
- Chapter 6 amended by Ordinance No. 76-12 effective November 8, 1976.
- Chapters 2, 3, 4, 5, 6, 7, 11, and 12 amended by Ordinance No. 80-9 effective February 1, 1980.
- Chapter 12, amended by Ordinance No. 81-5 effective August 1, 1981.
- Chapters 2, 3, 5, 6, 7, 8, 9, 11, and 12 amended by Ordinance No. 84-4 effective June 6, 1984.
- Chapters 2 and 4 amended by referendum vote on November 4, 1986, effective December 4, 1986. See Resolution No. 86-159.
- Chapter 6 amended by Ordinance No. 88-01 effective April 10, 1988.
- Chapter 7 amended by Ordinance No. 90-18 effective January 22, 1991.
- Chapter 3 amended by Ordinance No. 91-04 effective August 11, 1991.
- Chapter 2 amended by referendum vote on November 3, 1992, effective December 3, 1992. See Resolution No. 92-205.
- Chapter 2 amended by Ordinance No. 94-13 effective December 19, 1994.
- Chapter 6 amended by Ordinance No. 96-16 effective February 18, 1997.
- Chapter 7 amended by Ordinance No. 2002-05 effective August 20, 2002.
- Chapter 4 amended by Ordinance No. 2003-01 effective June 18, 2003.
- Chapter 3 amended by Ordinance No. 2004-14 effective October 20, 2004.
- Chapters 3 and 4 amended by Ordinance No. 2007-06 effective October 17, 2007.
- Chapter 12 amended by referendum vote on November 4, 2008, effective December 4, 2008, See Resolution No. 2008-125.
- Chapters 2, 4, 5, 6, and 9 amended by Ordinance No. 2015-03 effective July 1, 2015.
- Chapter 6 amended by Ordinance No. 2015-06 effective September 16, 2015.

**IRS****Fact Sheet****Media Relations Office****Washington, D.C.****Tel. 202.622.4000****For Release: November 2002****Release No: FS-2002-13****SECTION 527 POLITICAL ORGANIZATIONS  
REVISED TAX FILING REQUIREMENTS**

Legislation adopted in 2002 altered filing requirements for certain political organizations that seek tax-exempt status under section 527 of the Internal Revenue Code. The new law generally reduces filing requirements for certain state/local political organizations that already disclose certain information to state agencies. In addition, the law relieves some political organizations from filing an annual income tax return or an annual information return. Except where noted, the revised filing requirements are retroactive to July 1, 2000. This fact sheet discusses the current filing requirements as revised by the new legislation. FS-2002-11, published May 2002, is superseded.

**The new law:**

- Exempts state and local candidate and party committees from filing Form 8871 and Form 990 (or 990-EZ);
- Exempts qualified state and local political organizations (QSLPOs) (as defined below) from filing Form 8872;
- Exempts political committees filing with the FEC from filing Form 990 (or 990-EZ);
- Exempts political organizations that are a caucus or association of state or local officials from filing Form 990 (or 990-EZ);
- Requires additional information on Form 8871 and Form 8872;
- Requires the filing of an amended Form 8871 after material changes to maintain tax-exempt status;
- Increases reporting thresholds for certain Form 990 filers;
- Eliminates the requirement to file Form 1120-POL except where an organization has taxable income after taking the \$100 specific deduction (returning to pre-July 2000 requirements);
- Reinstates the pre-July 2000 confidentiality requirement for any Form 1120-POL filed after November 2, 2002; and
- Changes the electronic filing requirements by
  - Requiring that Form 8871 be filed electronically (as opposed to both in writing and electronically); and
  - Requiring that any Form 8872 due after June 30, 2003, be filed electronically if the filing organization has or expects to have contributions or expenditures of more than \$50,000 during the calendar year.

## **Definition of Political Organization**

Political organizations are organized and operated primarily to accept contributions and make expenditures for the purpose of influencing the "selection, nomination, election, or appointment of any individual to Federal, State, or local public office or office in a political organization, or the election of Presidential electors." Political organizations include political party committees, Federal, State and local candidate committees and other political committees such as political action committees (PACs).

The law also creates a new sub-category of political organization -- qualified state or local political organization (QSLPO). A state or local organization may be a QSLPO, if it meets the following criteria:

- All of its political activities relate solely to state or local public office (or office in a state or local political organization),
- It is subject to state law that requires it to report (and it does report) to a state agency information about contributions and expenditures that is similar to the information that the organization would otherwise be required to report to the IRS,
- The state agency and the organization make the reports publicly available, and
- No Federal candidate or office holder controls it or materially participates in its direction, solicits contributions for it, or directs any of its disbursements.

## **Filing Categories**

Federal tax law divides political organizations into several different categories, and provides different filing requirements for each category. See the first chart below for the filing requirements for each category.

### Federal organizations

- FEC political committee: A political organization (including federal candidate committees, political party committees and PACs) that is required to report as a political committee under the Federal Election Campaign Act.
- Other federal political organization: A political organization attempting to influence federal elections that is not required to report as a political committee under the Federal Election Campaign Act.

### State and Local organizations

- Candidate committee: A campaign committee of a state or local candidate.
- Party committee: A state or local committee of a political party.
- Qualified state or local political organization (QSLPO): See above definition.
- Caucus or association: A group of state or local officials attempting to influence elections.
- Other political organization: Any other state or local political organization.

## Filing Requirements

The filing requirements in the chart below apply to those political organizations that:

- Wish to be a tax-exempt political organization, and
- Receive or expect to receive \$25,000 or more in gross receipts in any taxable year.

If You Are A	You May Be Required To File
FEC political committee, state or local candidate committee or state or local committee of a political party	➤ Form 1120-POL
Qualified state or local political organization (QSLPO)*	➤ Form 8871; ➤ Form 1120-POL; and ➤ Form 990
Caucus or association of state or local officials*	➤ Form 8871; ➤ Form 8872; and ➤ Form 1120-POL
Any other political organization, including other federal political organizations and other state or local political organizations	➤ Form 8871; ➤ Form 8872; ➤ Form 1120-POL; and ➤ Form 990 or Form 990-EZ

\*An organization may be both a QSLPO and a caucus or association of state or local officials. If so, it is not required to file Form 8872 and Form 990.

**NOTE:** If you are:

- A political organization that is not tax-exempt, or
- A tax-exempt political organization that does not have gross receipts of at least \$25,000

You must file Form 1120-POL if you have taxable income after taking the \$100 specific deduction for any taxable year.

## Description of Form Filing Requirements

### 1. Form 8871 – Notice of 527 Status

Unless excepted (see chart below), a political organization must file Form 8871, *Political Organization Notice of 527 Status*, with the IRS to be tax-exempt. Until it files the form, its income (including contributions) is subject to taxation. Form 8871 must be filed electronically, within 24 hours of the political organization's establishment. An amended Form 8871 must be filed within 30 days of any material change (including termination), or any income (including contributions) it receives after the material change will be subject to taxation.

## **2. Form 8872 - Report of Contributions and Expenditures**

Tax-exempt political organizations, other than QSLPOs, that file Form 8871 must file Form 8872, *Political Organization Report of Contributions and Expenditures*, to disclose information concerning:

- expenditures that aggregate \$500 or more per person, per calendar year; and
- contributions that aggregate \$200 or more per person, per calendar year.

A tax-exempt political organization that does not disclose this information must pay an amount equal to the highest corporate tax rate (35 percent) multiplied by the amount of contributions and expenditures not disclosed.

The filing due dates are available on the IRS web site at [www.irs.gov/polorgs](http://www.irs.gov/polorgs).

A political organization is not required to file Form 8872 for any period of time that it is subject to tax on its income because it did not file or amend a Form 8871.

## **3. Form 1120-POL – U.S. Income Tax Return for Certain Political Organizations**

Political organizations, whether or not tax-exempt, that have taxable income in excess of the \$100 specific deduction in a taxable year must file Form 1120-POL, *U.S. Income Tax Return for Certain Political Organizations*.

Form 1120-POL is due by the 15th day of the 3rd month after the end of the organization's taxable year. Political organizations may request a six-month extension of the filing deadline by filing Form 7004, *Application for Automatic Extension of Time to File Corporate Income Tax Return*. This extension must be filed by the due date of Form 1120-POL. There is a penalty for failure to file Form 1120-POL.

## **4. Form 990 or 990-EZ – Return of Organization Exempt from Income Tax**

Unless excepted (see chart below), a tax-exempt political organization must file an exempt organization annual information return if it has gross receipts of \$25,000 or more for the taxable year (\$100,000 for QSLPOs). A tax-exempt political organization with gross receipts of less than \$100,000 and assets of less than \$250,000 at the end of the year may file a Form 990-EZ, *Short Form Return of Organization Exempt from Income Tax*. Otherwise, it files a Form 990, *Return of Organization Exempt from Income Tax*.

Form 990 or Form 990-EZ is due on the 15th day of the 5th month after the end of the organization's taxable year. There is a penalty for failure to file this return. Organizations may request a three-month extension, without showing cause, by filing Form 8868, *Application for Extension of Time to File an Exempt Organization Return*, by the due date. A second three-month extension, with cause, may also be requested through Form 8868.

Form	When filed	Exceptions to filing requirement
8871	Within 24 hours of establishment or within 30 days of any material change, including termination	<ul style="list-style-type: none"> <li>➤ Organization that does not seek tax-exempt status;</li> <li>➤ Political committee required to report to the FEC;</li> <li>➤ Campaign committee of state and local candidates;</li> <li>➤ State or local committee of political parties; and</li> <li>➤ Organization that reasonably expects annual gross receipts to always be less than \$25,000.</li> </ul>
8872	At organization's option, quarterly/semiannually or monthly, on same basis for entire calendar year (see form instructions for detailed information)	<ul style="list-style-type: none"> <li>➤ Any organization excepted from Form 8871 filing requirement (see above); and</li> <li>➤ Qualified state or local political organization (QSLPO).</li> </ul>
1120-POL	Due the 15th day of the 3rd month after the close of the taxable year	<ul style="list-style-type: none"> <li>➤ Political organization with no taxable income after taking the \$100 specific deduction</li> </ul>
990 or 990-EZ	Due the 15th day of the 5th month after the close of the taxable year	<ul style="list-style-type: none"> <li>➤ Any organization excepted from Form 8871 filing requirement (see above); and</li> <li>➤ Caucus or association of state or local officials</li> </ul>

### Disclosure Requirements

Tax-exempt section 527 organizations must make their forms (other than Form 1120-POL) publicly available for inspection and copying at their principal place of business. The IRS also posts Form 8871 and Form 8872 on its web site at [www.irs.gov/polorgs](http://www.irs.gov/polorgs).

### For More Information

Questions about the filing requirements may be directed to the Tax Exempt and Government Entities Customer Account Services toll free number 1-877-829-5500. Assistance is available 8:00 a.m. to 6:30 p.m. ET, Monday through Friday.



MEMORANDUM

TO: Candidates for Public Office

FROM: Sharon Knutson, City Clerk *Sharon Knutson*

DATE: May 17 to May 31, 2016

SUBJECT: **CAMPAIGN FINANCE REPORTING REQUIREMENTS**

---

Minnesota Statutes Chapter 211A governs the campaign finance laws related to local government candidates and committees. Reporting obligations are based upon the amount spent or received in one calendar year.

**REPORTING TYPE 1 – NOT COLLECTED OR SPENT \$750 IN A CALENDAR YEAR**

If the campaign has NOT collected or spent more than \$750 in a calendar year, then your reporting obligation is as follows:

**Complete the Certification of Filing** – Due 7 days after a general or special election (due no later than Tuesday, November 15, 2016). A certification of filing must be filed regardless if a candidate or committee raises or spends enough to file an initial report. It indicates to the filing officer that either all the required campaign reports have been filed or the candidate or committee did not raise or spend more than \$750 in the calendar year.

-OR-

**REPORTING TYPE 2 – COLLECTED OR SPENT \$750 IN A CALENDAR YEAR**

If the campaign collected or spent more than \$750 in a calendar year, then the treasurer must submit an initial report within 14 calendar days. The treasurer must submit ongoing reports until the final report is filed.

**Initial report** – An initial report must be filed within 14 days after a candidate or committee raises or spends more than \$750. Additional required reports must be filed once an initial report is filed.

**Pre-primary report** – Due 10 days before the primary or special primary (due no later than Saturday, July 30, 2016). This report covers the period from where the previous report left off up to 5 days before when it is due.

---

**City Hall**

6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430-2199  
763.569.3300 · Fax: 763.569.3494

**Community Center**

6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430-2199  
763.569.3400 · Fax: 763.569.3434

**Police & Fire Departments**

6645 Humboldt Avenue North  
Brooklyn Center, MN 55430-1853  
763.569.3333 · Fax: 763.561.0717

**Pre-general report** – Due 10 days before a general or special election (due no later than Saturday, October 29, 2016). This report covers the period from where the previous report left off up to 5 days before when it is due.

**Certification of Filing** – Due 7 days after a general or special election (due no later than Tuesday, November 15, 2016). A certification of filing must be filed regardless if a candidate or committee raises or spends enough to file an initial report. It indicates to the filing officer that either all the required campaign reports have been filed or the candidate or committee did not raise or spend more than \$750 in the calendar year.

**Post-general report** – Due 30 days after a general or special election (due no later than Thursday, December 8, 2016). This report covers the period from where the pre-general report left off up to 5 days before when it is due.

**Year-end report** – A year-end report is due on January 31 of each year following the year when the initial report is filed (due no later than Tuesday, January 31, 2017). Additional reports are required in a year when the candidate's name appears on the ballot.

**Final report** – A candidate or committee may file a final report once all debts are paid and all assets in excess of \$100 in the aggregate are disposed of. Filing a final report ends campaign reporting activity, but a new initial report must be filed if the candidate or committee raises or spends more than \$750 after this point.

If a candidate or committee fails to file a report on the date it is due, the City Clerk shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the City Clerk shall file a complaint with the Office of Administrative Hearings as prescribed in MS 211B.32 (MS 211A.05, subd. 2).

Campaign Financial Reports should be submitted to City Clerk Sharon Knutson at City Hall or by e-mail [sknutson@ci.brooklyn-center.mn.us](mailto:sknutson@ci.brooklyn-center.mn.us). Questions can be directed to me at 763-569-3306.

Included in your packet are the following:

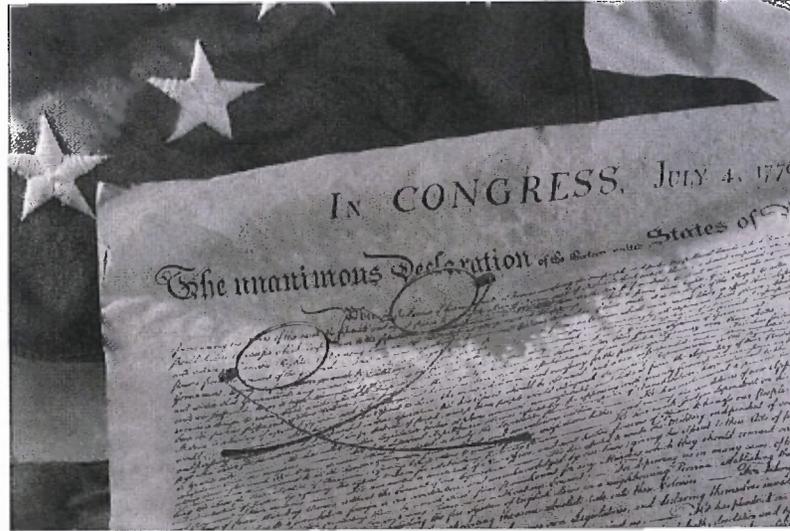
- MINNESOTA CAMPAIGN MANUAL, which includes Minnesota Statutes Chapter 211A, Campaign Financial Reporting, and Chapter 211B, Fair Campaign Practices
- CAMPAIGN FINANCIAL REPORT
- CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

(These documents are also available on the City's web site at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org).)

Except for the City Clerk's enforcement of the prohibitions in 211B.11 against campaigning in or around the polling places, the City Clerk is not responsible for enforcement of the Fair Campaign Practices statutes. Concerned citizens should take their complaints directly to the State of Minnesota Office of Administrative Hearings, 612-349-2539 or 612-341-7666 or e-mail [electioncomplaints@oah.state.mn.us](mailto:electioncomplaints@oah.state.mn.us).

# 2016

## CAMPAIGN MANUAL



### CAMPAIGN FINANCIAL REPORTING AND FAIR CAMPAIGN PRACTICES

Minnesota Statutes, Chapters [211A](#) and [211B](#), including related laws and summary

**Office of the Minnesota Secretary of State**

180 State Office Building

100 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Phone: (651) 215-1440

Toll Free: 1-877-600-8683

Minnesota Relay Service: 1-800-627-3529

Email: [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us)

Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)



## PREFACE

State law requires the Secretary of State to publish an easily understandable annotated digest of Chapters [211A](#) and [211B](#) of Minnesota statutes.

This booklet contains:

- The required digest;
- The text of Chapters [211A](#) and [211B](#);
- Annotations to these chapters and to former Chapter 210A, known as the Fair Campaign Practices Act, which had some provisions comparable to [211A](#) and [211B](#).

Chapter [211A](#) generally regulates campaign reporting requirements of candidates and committees supporting county, municipal, school district or other political subdivision candidates for office and questions. Candidates and committees supporting candidates for federal, state and judicial office are not regulated by Chapter [211A](#).

Chapter [211B](#) regulates a variety of campaign practices and applies to all federal, state, judicial and local candidates, except for President and Vice President, and committees supporting them. It also regulates the activities of committees formed to promote or oppose ballot questions and proposed constitutional amendments.

### Complaints

A complaint alleging a violation of Chapter [211A](#) or [211B](#) must be filed with the Office of Administrative Hearings.

### For Further Complaint Information

Please contact the Office of Administrative Hearings, 600 North Robert Street, St. Paul, MN 55101, (651) 361-7900, or visit their website at: <http://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>

### Campaign Finance and Public Disclosure Board

Campaign finances and certain disclosures of:

- Candidates for state constitutional offices,
- Candidates for state legislative offices,
- Candidates for judicial offices, and
- Committees formed to promote or oppose constitutional amendments

are regulated by Chapter [10A](#) of Minnesota statutes and administered by the:

Minnesota Campaign Finance and Public Disclosure Board  
190 Centennial Office Building  
658 Cedar St.  
St. Paul, Minnesota 55155  
(651) 539-1180 or 1-800-657-3889 website: [www.cfboard.state.mn.us](http://www.cfboard.state.mn.us)

### Federal Offices

Campaign financing and certain disclosures of candidates for federal office:

- United States President and Vice President,
- United States Senator, and
- United States Representative

are regulated by state and federal law.

The Federal Election Commission (FEC), 999 E Street NW, Washington, DC 20463, administers the federal laws. The commission has a toll free information line: (800) 424-9530. The web site address is [www.fec.gov](http://www.fec.gov), where you may look at reports that are filed at the FEC within 48 hours after the report has been filed.

Reports filed by candidates for U.S. Representative can be viewed and copied directly from the FEC web site at a terminal available to the public at the Secretary of State's Office, Elections Division. The FEC has waived the requirement that these candidates also file paper copies of these reports with the Secretary of State.

### **Hennepin County, Bloomington, Minneapolis and Minneapolis Schools**

Minnesota Statutes, Sections [383B.041-.058](#) regulate campaign finance reporting and disclosure for:

- Hennepin County Offices,
- Cities of Bloomington & Minneapolis Offices, and
- Minneapolis Public Schools Offices.

For further information, please contact the:

Hennepin County Election and Voter Registration Department  
PSL 012 Government Center  
300 S. 6th St.  
Minneapolis, MN 55487  
(612) 348-5151 website: [www.hennepin.us/residents#elections](http://www.hennepin.us/residents#elections)

## **NOTES AND DECISIONS**

The Notes and Decisions briefly summarize judicial decisions and Attorney General interpretations of Minnesota Election Law. However, the summaries are not intended to modify any statutory provision. Some of the Notes and Decisions summarize interpretations of prior versions of a statute that may not apply to the current version of the statute.

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If you have any questions, please contact the Secretary of State at the address and phone number below, or the following e-mail address: [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us)

Minnesota Secretary of State, Elections Division  
180 State Office Building  
100 Dr. Rev. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155-1299  
(651) 215-1440  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)

# SUMMARY AND ANNOTATIONS

## INTRODUCTION

This section provides an easily understandable digest of Chapters [211A](#) and [211B](#). As a digest, it should not be used as a substitute for the requirements imposed by the text of Chapters [211A](#) and [211B](#), which are reproduced in this booklet.

### Attention:

Candidates are responsible for familiarizing themselves with any changes in law. The Minnesota Legislature was in session when this booklet was produced. Changes made to Chapters [211A](#) and [211B](#) or other related laws finally enacted on or after April 1, 2016 and before the next production of this booklet, will be posted on the web site of the Minnesota Secretary of State at [www.sos.state.mn.us/election-administration-campaigns/campaigning/additions-to-campaign-manual/](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/additions-to-campaign-manual/)

Annotations for relevant court decisions received from the Attorney General's office after April 1, 2016 will be posted on the same web site.

## CAMPAIGN FINANCIAL REPORTING CHAPTER 211A

Chapter [211A](#) generally regulates campaign contribution limits and campaign finance reporting of candidates for county, municipal, school district or other political subdivision offices, excluding judicial offices. This chapter also applies to committees acting to influence the nomination, election or defeat of a candidate or to promote or defeat a proposition to be voted on in any political subdivision.

With certain exceptions, [M.S. 211A.12](#) sets contribution limits for an individual or committee of \$250 in non-election years and \$600 in an election year for a candidate's territory with a population of 100,000 or less and \$1,000 in an election year for a candidate's territory with a population over 100,000. However, [M.S. 211A.13](#) prohibits contributions from certain principal campaign committees as defined in [M.S. 10A.01, subd. 34](#).

Candidates and committees must file a financial report according to [M.S. 211A.02](#):

- within 14 days after receiving contributions or making disbursements of more than \$750 in a calendar year and
- by January 31 of each year following the year when the initial report was filed. In addition, in a year when the candidate's name or a ballot question appears on the ballot, a report must be filed:
  - 10 days before the primary or special primary;
  - 10 days before the general election or special election; and
  - 30 days after a general or special election.

**Final Reports:** A final report may be filed at any time after all debts have been settled and all assets in excess of \$100 in the aggregate are disposed of. Candidates and committees file reports with the filing officer. Once a final report has been submitted, no further reports are required.

Committees organized to promote or defeat ballot questions not voted on by all voters of the state are required to file reports with the officer authorized by law to place a question on the ballot.

### ***With whom do I file campaign financial reports?***

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor
State Legislative Offices	Minnesota Campaign Finance and Public Disclosure Board
Constitutional Amendments	Minnesota Campaign Finance and Public Disclosure Board
Statewide Offices	Minnesota Campaign Finance and Public Disclosure Board
Federal Offices	Federal Elections Commission & OSS (unless report <u>published</u> on FEC website)
President/Vice President	Federal Elections Commission

It is important to confirm the location to file required campaign financial reports as it is the responsibility of the campaign/committee.

The financial reports must include the total cash on hand designated to be used for political purposes, the total amount of contributions and disbursements for the period from the last previous report to five days before the current report is due, the amount, date, and purpose for each disbursement and the name, address, and employer or occupation if self-employed of any individual or committee that during the year has made one or more contributions that in the aggregate exceed \$100. Reporting forms are found at the Office of the Minnesota Secretary of State's website for Campaign Finance Filings: [www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/)

A reporting form is also found at the end of this manual. Local filing clerks and county auditors also have blank campaign financial forms available.

For municipal elections, these reporting requirements are in addition to municipal charter reporting provisions and county special laws. The reporting requirements do not replace special laws providing reporting requirements for a municipality. [M.S. 211A.02, subd. 3](#)

A candidate who intentionally fails to file a required report, a committee that fails to file a required report and an officer who issues a certificate of election to a candidate knowing that the candidate has not filed a financial statement are subject to a civil penalty of up to \$5,000 or a misdemeanor penalty. In addition, a winning candidate who violates Chapter [211A](#) is subject to forfeiture of the nomination or office under certain circumstances. [M.S. 211A.09](#)

If a candidate or committee has filed an initial report but fails to file a subsequent report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint with the Office of Administrative Hearings.

A candidate whose election has been set aside because of a violation of Chapter [211A](#) may not be appointed to fill the resulting vacancy during the term of the office sought. Any person convicted of a violation of Chapter [211A](#) may not be appointed to fill a vacancy in the office during the term of the office for which the election was held and is not qualified to fill a vacancy in any office for which the legislature may establish qualifications under [Article XII, Section 3](#), of the Minnesota Constitution. [M.S. 211A.10](#)

Any person who receives money for a committee and fails to keep a correct account as required by law or mutilates, defaces or destroys an account record, is subject to a civil penalty of up to \$5,000 or a misdemeanor penalty if any of these acts are done with the intent to conceal certain information. [M.S. 211A.06](#)

A person who has a bill, charge or claim against a committee must render it in writing to the committee within 60 days after the material or service is provided. Payment is prohibited on a bill, charge or claim presented after 60 days. [M.S. 211A.07](#)

### **Campaign Financial Report Certification of Filing**

Regardless if an initial report has been filed or not, each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by [M.S. 211A.02](#) have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer not later than 7 days after the general or special election. [M. S. 211A.05, subd. 1](#)

A Certificate of Election is **not allowed** to be issued by an election officer unless that candidate has certified that all reports required of [M.S. 211A.02](#) have been filed (Campaign Report Certification of Filing form). In fact, issuing a certificate of election without the Certificate of Filing on record could lead to a misdemeanor conviction of the filing officer. A Certification of Filing form is found on the last page of this manual and is available at the OSS Campaign Finance Filings webpage found at [www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/). Local filing clerks and county auditors also have blank certification forms available.

### **Federal Offices**

Federal laws set out reporting requirements for federal campaigns. The Federal Election Commission (FEC), not the Secretary of State, administers the federal laws. Reports on campaigns for the U.S. House and Senate filed with the FEC can be viewed and copied directly from the FEC web site at a terminal available at the Secretary of State's Office, Elections Division, or by visiting their site at [www.fec.gov](http://www.fec.gov). The FEC has waived the requirement that U.S. House candidates file a duplicate paper copy of reports with the Secretary of State.



## CAMPAIGN PRACTICES CHAPTER 211B

Chapter [211B](#) regulates a variety of campaign practices and applies to all federal, state and local candidates, except candidates for president and vice president. Judicial and school district candidates are also covered by Chapter [211B](#). It also regulates committees acting to influence the nomination, election or defeat of a covered candidate or to promote or defeat a ballot question.

### SOLICITATION OF CONTRIBUTIONS

[M.S. 211B.08](#) generally prohibits a religious, charitable or educational organization from soliciting a contribution from a candidate or committee. It does not apply to certain business advertisements, regular payments by a candidate to an organization to which he was a member or contributor for more than six months before candidacy or ordinary contributions at church services.

It is also illegal for a person to knowingly solicit, receive or accept any money, property or other thing of monetary value that is a disbursement prohibited by certain sections of Chapter [211B](#). [M.S. 211B.13, subd. 2](#)

### CORPORATE CONTRIBUTIONS

[M.S. 211B.15](#) prohibits defined corporations from directly or indirectly contributing anything of monetary value to a political party, organization, committee or individual to promote or defeat the candidacy of an individual for nomination, election or appointment to a political office but does not prohibit independent expenditures as defined in [M.S. 10A.01, subd. 18](#).

Corporations may make contributions or expenditures to promote or defeat a ballot question, to place a question on the ballot or to express its views on issues of public concern.

[M.S. 211B.15, subs. 6-7b](#) lists the associated civil and criminal penalties for individuals and corporations who “knowingly violate” section [211B.15](#).

Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote, provided that the projects are not controlled by or operated for the advantage of any candidate, political party or committee. Corporations may provide meeting facilities for committees, political parties or candidates on a nondiscriminatory and nonpreferential basis. Corporations selling products or services to the public may post notices on their public premises promoting participation in the precinct caucuses, voter registration or voting, provided these messages are not controlled or operated for the advantage of any candidate, political party or committee.

### REGULATION OF EXPENDITURES

**Spending limitations amount.** Chapter [211B](#) does not limit the amount of campaign spending.

**Spending limitations purposes.** The law limits the purposes for which candidates and committees may spend money.

The permitted purposes, which are set forth in [M.S. 211B.12](#), include salaries, communications, campaign advertising, printing, office space and equipment, a limited amount of charitable contributions and other expenses related to the conduct of election campaigns.

To give or promise to give anything of monetary value to any person for the purpose of inducing a voter to refrain from voting or to vote in a particular way is a felony. An exception is made for

refreshments of food and nonalcoholic beverages of having a value up to \$5 consumed on the premises at a private gathering or public meetings. [M.S. 211B.13, subd. 1](#)

Whether an item constitutes a “thing of value” is discussed in an opinion of the Attorney General which states (Op. Atty. Gen. 627f-1, April 25, 1938):

- “...(W)hether packets or books of matches are things of value ...involves a question of fact which this office has no authority to determine. We may say, however, that if such articles have any material value for any purpose other than simply as a medium for carrying advertising matter, they come under the ban of the statute.
- This office has expressed the opinion that if a person distributes, in an election campaign, articles which may possibly have some value other than as an advertising medium, such as packets or books of matches, relying on the belief that their value is so slight that they will not be considered a “thing of value”, such person must take the chance of having the legality of so doing questioned in a criminal prosecution or an election contest.”

Listed are some decisions and other opinions relating to a similar prior statute:

- The purpose of influencing voters is the poison which the Fair Campaign Practice Act is aimed at, and in the absence of such purpose, a gift is not considered to be a violation of the act. (*Engelbret v. Tuttle*, 185 Minn. 608, 242 N.W. 425).
- Where a gift won at a church bazaar by a candidate’s wife was later returned to the church treasury and no publicity was given to the returning of this gift, the court said that no intent to influence voters could be found. (*Engelbret v. Tuttle*, *supra*).
- Where a candidate attended showers for friends and presented gifts that were similar with respect to the character and cost of those given by other invited guests, the court said that the giving of such gifts could not be considered as an act done with intent to influence voters. (*Engelbret v. Tuttle*, *supra*).
- A candidate furnished drinks of liquor to voters and at the same time asked them to vote for him. The court said that a candidate for public office who, during his campaign, solicits the vote of an elector and at the same time gives him intoxicating liquor, brings himself clearly within the prohibition of the statute. A contention that such acts on the part of a candidate amounted to mere hospitality or that they were trivial and unimportant cannot be sustained. (*Miller v. Maier*, 136 Minn. 231, 161 N.W. 513).
- It is not legal for a candidate to give away cigars in the election room while the polls are open. (Op. Atty. Gen. 627f-1, March 20, 1917).
- The distribution by a candidate of free tickets to a county fair admitting children under 12 years of age free is a violation of this section. (Op. Atty. Gen. 627f-1, June 3, 1930).

## ADVERTISING AND LITERATURE REQUIREMENTS

\*\*\*Important: The case of *281 Care Committee et al v. Arneson et al.*, (Case No. 13-1229) issued September 2, 2014, the United States Court of Appeals for the Eighth Circuit determined that M.S. 211B.06 failed a constitutional challenge under the First Amendment and was void.

Even though [M.S. 211B.06](#) failed a constitutional challenge in 2014, the Minnesota statute itself has not been removed or changed.

One will need to consult with personal legal counsel regarding questions about [M.S. 211B.06](#).

It still states that certain printed material written or distributed by a candidate or committee is subject to the section on false political and campaign material. Under that section, a person who intentionally participates in the preparation, dissemination or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate which is designed or tends to elect, promote, defeat or injure any candidate is guilty of a gross misdemeanor if the person knows it is false or communicates to others with reckless disregard of whether it is false. The provision also applies to literature, advertising or campaign material with respect to the effect of a ballot question. A person who intentionally participates in drafting a letter to the editor known to be false concerning the personal or political character of a candidate or acts of a candidate, if defamatory, or the effect of a ballot question may under certain circumstances be subject to a misdemeanor penalty. This statute does not apply to a person or organization whose sole act is, in the normal course of their business, to print, manufacture or disseminate false information.

**Advertisements.** [M.S. 211B.05](#) requires every advertisement in a newspaper, periodical or magazine to include the words "PAID ADVERTISEMENT." Radio, television and cable systems have similar requirements. The amount charged for the advertisement must be the same as for any other political candidate and no greater than charges for comparable purposes. The name of the candidate and the committee that prepared and paid for the advertisement must be included at the beginning or end of the advertisement.

[M.S. 211B.05, subd. 3](#), prohibits any employee of a newspaper, periodical, magazine or broadcaster from soliciting or receiving any payment or promise of payment for influencing or attempting to influence voting through printed or broadcast matter except as a paid advertisement.

**Other printed literature.** Printed matter other than newspaper advertisements are subject to similar requirements. [M.S. 211B.04](#) requires that the name and address of the person or committee causing the material to be prepared or disseminated appear prominently on the material.

This provision does not apply to fundraising tickets, business cards, personal letters or similar items that are clearly being sent by the candidate. In addition, it does not apply to bumper stickers, pins, buttons, pens or similar small items on which the disclaimer cannot be conveniently printed; skywriting, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; and online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer.

In addition, it does not apply to individuals or an association that is not required to register or report under Chapter [10A](#) or [211A](#).

**Attention:** Minnesota Court of Appeals Decision affecting Minnesota Statutes [211B.04](#).

In April of 2006 the Minnesota Court of Appeals ruled, in *Riley v. Jankowski* (Minnesota Court of Appeals file #A05-1125), that at least in part, Minnesota Statutes [211B.04](#), which relates to disclaimer requirements, is unconstitutional. The Office of Administrative Hearings (OAH) has jurisdiction over Minnesota Statutes Chapter [211B](#) and their website address is <http://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>.

## IMPROPERLY INFLUENCING VOTERS

**Bribery, advancing money, and treating prohibited.** As stated previously, there is a prohibition against giving anything of monetary value to any person for the purpose of influencing that person's vote. [M.S. 211B.13](#)

**Threats, force, undue influence.** [M.S. 211B.07](#) makes it illegal for any person to threaten, coerce or unduly influence another in order to compel another to vote for or against a candidate or ballot question.

**Promise appointments.** No person, in order to promote a candidate's nomination or election, may directly or indirectly promise to appoint or employ another person ([M.S. 211B.13, subd. 1](#)). This statute does not prohibit a candidate from publicly expressing a preference for any other candidate to be voted on at the same primary or election.

**Influencing others.** A person may not make any direct or indirect threat of harm, economic reprisal or certain other threats against an individual to vote for or against a candidate or ballot question. [M.S. 211B.07](#)

**Transporting voters.** Under [M.S. 211B.11, subd. 3](#), it is illegal for a person transporting a voter to the polls to induce or persuade a voter to vote or refrain from voting for a candidate or ballot question.

**Influencing a person's candidacy.** [M.S. 211B.10, subd. 1](#) forbids the use of any promise or reward to induce a person to become a candidate, refrain from being a candidate or cease being a candidate.

**False claim of party support.** No person shall knowingly falsely claim or imply that a candidate has the support or endorsement of a major political party or party unit of an organization. [M.S. 211B.02](#)

**Use of "reelect."** A person may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district. [M.S. 211B.03](#)

**Campaigning in multiple-unit dwellings.** Candidates with or without their campaign volunteers may not be denied access to campaign in multiple-unit dwellings within the district or territory represented by the office to which the candidate seeks election. A resident may deny admittance to his or her dwelling, identification may be required, visits to certain persons may be denied for health reasons, limits may be put on hours and numbers of campaigners, appointments may be required and campaigners may be denied admittance or expelled for good cause. A violation of this section is a petty misdemeanor. [M.S. 211B.20](#)

## ELECTION DAY ACTIVITIES

It is not illegal to campaign on Election Day, but it is illegal, on Election Day, to:

- Seek to induce or persuade any voter to vote in a certain way or refrain from voting within 100 feet of the building in which a polling place is situated, or anywhere on public property on which a polling place is situated.
- Wear any political badge, insignia or button, or provide any such badge, insignia or button, at or about the polls, however violation of this section will not prevent an individual from voting. [M.S. 211B.11, subd. 1](#)

## **VIOLATIONS OF CHAPTER 211B**

Violations of Chapter [211B](#) may entail criminal penalties. A conviction on criminal charges for violating its provisions may forfeit a winner's nomination or election. In addition to these penalties, the violator, if that individual has won the election, is prohibited from being appointed to the office sought during the term of the office with respect to which the election was held.

[M.S. 211B.32](#) provides that a complaint alleging a violation of Chapter [211A](#) or [211B](#) must be filed with the Office of Administrative Hearings. The complaint must be finally disposed of by the Office of Administrative Hearings before the alleged violation may be prosecuted by a county attorney.

**Penalties.** In its disposition of the complaint, the Office of Administrative Hearings may impose a civil penalty of up to \$5,000 for any violation of Chapter [211A](#) or [211B](#). In addition, the complaint may be referred to the appropriate county attorney for criminal prosecution as a misdemeanor or felony, whichever the law provides. [M.S. 211B.35, subds. 2\(d\) & 2\(e\)](#)

Furthermore, the person convicted may forfeit the nomination or office ([M.S. 211B.17, subd. 1](#)). The convicted person may not be appointed to fill a vacancy in the office for which election was sought and is not qualified to fill a vacancy in any office for which the legislature may establish qualifications under [Minn. Const. art. XII, sec. 3](#); [M.S. 211B.17](#).

The prohibition on holding office does not limit the ability of each house of the legislature to judge the election returns and eligibility of its own members.

**Circumstances where nomination or election not forfeited.** [M.S. 211B.17, subd. 2](#) sets forth certain situations in which the nomination or election of the candidate shall not be set aside as a penalty for violating Chapter [211B](#).

**Notes:**

## CHAPTER 211A CAMPAIGN FINANCIAL REPORTING

### 211A.01 DEFINITIONS

- Subd. 1. **Application.** The definitions in chapter 200 and this section apply to this chapter.
- Subd. 2. **Ballot question.** “Ballot question” means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.
- Subd. 3. **Candidate.** “Candidate” means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office. For purposes of sections [211A.01 to 211A.05](#) and [211A.07](#), “candidate” also includes a candidate for the United States Senate or House of Representatives.
- Subd. 4. **Committee.** “Committee” means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.
- Subd. 5. **Contribution.** “Contribution” means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. “Contribution” does not include a service provided without compensation by an individual.
- Subd. 6. **Disbursement.** “Disbursement” means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent. “Disbursement” does not include payment by a county, municipality, school district, or other political subdivision for election-related expenditures required or authorized by law.
- Subd. 7. **Filing officer.** “Filing officer” means the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.
- Subd. 8. **Political purposes.** An act is done for “political purposes” if it is of a nature, done with the intent, or done in a way to influence or tend to influence, directly or indirectly, voting at a primary or an election or if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.

**History:** 1988 c 578 art 2 s 1; 1990 c 453 s 22

#### 211A.01 NOTES AND DECISIONS

A school district fairly informs voters about a levy question, and thus does not engage in promotion of levy questions for purposes of campaign-finance-reporting requirements, when it addresses the positive and negative consequences of the levy, not only the anticipated improvement in educational opportunities, but also the increased tax rate and such other less desirable consequences as may be foreseen. *Minnesota Voters Alliance v. Anoka-Hennepin Sch. Dist.*, 868 N.W.2d 703 (Minn. App. 2015).

School district was a corporation within the meaning of the Campaign Financial Reports Act and Fair Campaign Practices Act, and therefore could qualify as a committee subject to the campaign-finance reporting requirements of that chapter if the district acted “to promote or defeat a ballot question;” legislature had

Specifically designated school districts as public corporations, and the fact that the legislature used a broad term without limiting its scope in the Act was indicative of an intent to encompass all forms of corporate bodies, including public corporations such as school districts. *Abrahamson v. Saint Louis Cnty. Sch. Dist.*, 819 N.W.2d 129 (Minn. 2012).

## 211A.02 FINANCIAL REPORT

Subd. 1. **When and where filed by committees.** (a) A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make the reports listed in paragraph (b) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed and in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

- (1) ten days before the primary or special primary;
- (2) ten days before the general election or special election; and
- (3) 30 days after a general or special election.

Subd. 2. **Information required.** The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the printed name, address, telephone number, signature, and email address, if available, of the person responsible for filing the report;
- (3) the total cash on hand designated to be used for political purposes;
- (4) the total amount of contributions and disbursements for the period from the last previous report to five days before the current report is due;
- (5) the amount, date, and purpose for each disbursement; and
- (6) the name, address, and employer, or occupation if self-employed, of any individual or committee that during the year has made one or more contributions that in the aggregate exceed \$100, and the amount and date of each contribution. The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Subd. 3. **Municipal charter provisions and special laws saved.** The provisions of this section requiring the filing of reports are in addition to the provisions of any municipal charter requiring the filing of reports in connection with a municipal primary, general election, special primary, or special election, but they do not replace special laws providing filing requirements for a municipality.

Subd. 4. **Congressional candidates.** Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this

section. A candidate or committee whose report is published on the Federal Election Commission Web site has complied with the filing requirements of this section.

Subd. 5. **Electronic reporting.** The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Subd. 6. **Online accessibility; reports.** (a) The filing officer of a local government shall make all reports required to be filed with the local government under this section available on the local government's Web site, if the local government maintains a Web site. The filing officer must post the reports on the local government's Web site as soon as possible, but no later than 30 days after receipt of the report. The local government must make the reports available on the local government's Web site for four years from the date the report was posted to the Web site.

(b) The filing officer shall provide the Campaign Finance and Public Disclosure Board with the link to the section of the Web site where reports are made available pursuant to paragraph (a). The Campaign Finance and Public Disclosure Board shall publish on its Web site each link that a filing officer provides pursuant to this paragraph.

(c) This subdivision does not apply to a statutory or home rule charter city or town if the statutory or home rule charter city or town has fewer than 400 registered voters as of January 1 of the year in which the election is to be held.

**History:** 1988 c 578 art 2 s 2; 1989 c 291 art 1 s 30; 1Sp2001 c 10 art 18 s 39; 2004 c 293 art 2 s 43; 2006 c 242 s 38; 2008 c 244 art 1 s 22; 2010 c 327 s 25; 2014 c 265 s 1; 2014 c 309 s 24

#### 211A.02 NOTES AND DECISIONS

Because a school district is a public corporation, it is subject to campaign-finance-reporting requirements if it acts to promote or defeat a ballot question. *Minnesota Voters Alliance v. Anoka-Hennepin Sch. Dist.*, 868 N.W.2d 703 (Minn. App. 2015).

Complaint alleging that school district and school board violated Campaign Financial Reports Act and Fair Campaign Practices Act, by using public funds to promote the passage of bond issue ballot questions in referendum election, was insufficient to set forth a prima facie violation, as required to entitle complaints to hearing; although complaint identified several expenditures for printing and video work that district had made during campaign period preceding election, and alleged that district superintendent and school principal had promoted the passage of ballot questions, complaint failed to describe the content of any message communicated by district employees or board. *Barry v. St. Anthony-New Brighton Independent Sch. Dist.* 282, 781 N.W.2d 898 (Minn. App. 2010)

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter 211A, and district is not required to report contributions or disbursements through the reporting requirements of chapter. "Disbursement," as used in statute, does not include payment by a county, municipality, school district, or other political subdivision for election-related expenditures required or authorized by law. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

Statute applied to candidate for mayor of municipality; candidate's failure to file complete and accurate campaign finance reports justified fine. *Osmek v. McKinley*, OAH 8-6326-20255-CV (April 8, 2009)

Administrative hearing process established to hear complaints alleging violations of statutes establishing financial-reporting requirements for political candidates and committees acting to influence elections and statutes regulating campaign practices did not violate the separation-of-powers doctrine and amount to an unconstitutional delegation of district court's original jurisdiction. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

## 211A.03 FINAL REPORT

A candidate or committee may file a final report when all debts have been settled and all assets in excess of \$100 in the aggregate are disposed of. The final report may be filed at any time and must include the kinds of information contained in the financial statements required by section 211A.02 for the period from the last previous report to the date of the final report.

**History:** 1988 c 578 art 2 s 3

### 211A.03 NOTES AND DECISIONS

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter [211A](#), and district is not required to report contributions or disbursements through the reporting requirements of chapter. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

## 211A.04 SECRETARY OF STATE'S DUTIES

Subd. 1. **Report forms.** The secretary of state shall prepare blanks for reports required by section [211A.02](#). Copies must be furnished through the county auditor or otherwise, as the secretary of state finds expedient, to a committee upon request or to a candidate upon filing for office.

**History:** 1988 c 578 art 2 s 4

## 211A.05 FAILURE TO FILE STATEMENT

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

Subd. 2. **Notice of failure to file.** If a candidate or committee has filed an initial report but fails to file a subsequent report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section [211B.32](#).

**History:** 1988 c 578 art 2 s 5; 1989 c 291 art 1 s 31; 2004 c 277 s 3; 2008 c 244 art 1 s 23; 2010 c 327 s 26

### 211A.05 NOTES AND DECISIONS

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter [211A](#), and district is not required to report contributions or disbursements through the reporting requirements of chapter. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009)

County auditor does not have authority to omit name of a nominee from general election ballot because affidavit of disbursements discloses disbursements in excess of amount allowed by law. Op. Atty. Gen. 627C-12, September 29, 1948.

### **211A.06 FAILURE TO KEEP ACCOUNT; PENALTY**

A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:

- (1) fails to keep a correct account as required by law;
- (2) mutilates, defaces, or destroys an account record; or
- (3) in the case of a committee, refuses upon request to provide financial information to a candidate; and
- (4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.

**History:** 1988 c 578 art 2 s 6

#### **211A.06 NOTES AND DECISIONS**

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter [211A](#), and district is not required to report contributions or disbursements through the reporting requirements of chapter. Time expended by school district employees who attended public or private meetings in support of referendum during business hours is not a reportable “contribution,” because it is not a thing of value given or loaned to either a “candidate” or a “committee.” *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

### **211A.07 BILLS WHEN RENDERED AND PAID**

A person who has a bill, charge, or claim against a candidate’s committee shall render it in writing to the committee within 60 days after the material or service is provided. A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.

**History:** 1988 c 578 art 2 s 7

### **211A.08 PROSECUTION**

Subd. 3. **County attorney authority.** A county attorney may prosecute any violation of this chapter.

**History:** 1986 c 444; 1988 c 578 art 2 s 8; 2004 c 277 s 4

#### **211A.08 NOTES AND DECISIONS**

County attorney may proceed by complaint and information rather than impaneling grand jury. Op. Atty. Gen. 627B-1, August 18, 1966.

Attorney employed to assist county attorney is not required to conduct a private and independent investigation but may conduct same so as to enable attorney to present the county attorney relevant facts and names of witnesses capable giving competent testimony in proceeding. Op. Atty. Gen. 121A-1, September 26, 1952.

Duty of county attorney is to prosecute violations of Act, not to bring proceedings to annul election. Op. Atty. Gen. 121-B-9, April 5, 1940.

## 211A.09 FORFEITURE OF NOMINATION OR OFFICE

Subd. 1. **Forfeiture required.** Except as provided in subdivision 2, if a candidate is convicted of violating a provision of this chapter or if an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. **Circumstances where nomination or office not forfeited.** In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

- (1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or
- (2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith, and that it would be unjust for the candidate to forfeit the nomination or election.

Neither of these findings is a defense to a conviction under this chapter.

**History:** 1988 c 578 art 2 s 9

### 211A.09 NOTES AND DECISIONS

To sustain charge under this section must show omissions were deliberate, serious, and material violations of election law. *Moulton v. Newton*, 274 Minn. 545, 144 N.W. 2d 706 (1966). As to whether acts complained of are trivial or unimportant, see *Bank v. Egan*, 240 Minn. 192, 60 N.W. 2d 257 (1953).

## 211A.10 DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under [article XII, section 3](#), of the Minnesota Constitution.

**History:** 1988 c 578 art 2 s 10

### 211A.10 NOTES AND DECISIONS

Legislature may regulate the exercise of the right to vote. This section held not to add to the constitutional qualifications for holding office. *Saari v. Gleason*, 126 Minn. 378, 148 N.W. 293 (1914).

## **211A.11 PENALTIES FOR VIOLATIONS**

A violation of this chapter for which no other penalty is provided is a misdemeanor.

**History:** 1988 c 578 art 2 s 11

## **211A.12 CONTRIBUTION LIMITS**

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$600 in an election year for the office sought and \$250 in other years; except that a candidate or a candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of \$1,000 in an election year for the office sought and \$250 in other years.

The following deliveries are not subject to the bundling limitation in this section:

- (1) delivery of contributions collected by a member of the candidate's committee, such as a block worker or a volunteer who hosts a fundraising event, to the committee's treasurer; and
- (2) a delivery made by an individual on behalf of the individual's spouse.

Notwithstanding sections [211A.02, subdivision 3](#), and [410.21](#), this section supersedes any home rule charter.

**History:** 1993 c 318 art 2 s 46; 1997 c 224 s 1; 2014 c 265 s 2

## **211A.13 PROHIBITED TRANSFERS**

A candidate for political subdivision office must not accept contributions from the principal campaign committee of a candidate as defined in section [10A.01, subdivision 34](#). A candidate for political subdivision office must not make contributions to a principal campaign committee, unless the contribution is made from the personal funds of the candidate for political subdivision office.

**History:** 1993 c 318 art 2 s 47; 2003 c 2 art 1 s 21

### **211A.13 NOTES AND DECISIONS**

Section prohibits transfers of funds between candidates and committees subject to Chapter 10A, but not transfers between candidates for local offices. Op. Atty. Gen. 627e, August 1, 1994.

## **211A.14 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION**

A legislator or state constitutional officer who is a candidate for a county, city, or town office, the candidate's principal campaign committee, and any other political committee with the candidate's name or title may not solicit or accept a contribution from a political fund or registered lobbyist during a regular session of the legislature.

**History:** 1997 c 224 s 2



## CHAPTER 211B FAIR CAMPAIGN PRACTICES

### 211B.01 DEFINITIONS

- Subd. 1. **Application.** The definitions in chapter [200](#) and this section apply to this chapter.
- Subd. 2. **Campaign material.** "Campaign material" means any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media.
- Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, except candidates for president and vice-president of the United States.
- Subd. 4. **Committee.** "Committee" means two or more persons acting together or a corporation or association acting to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.
- Subd. 5. **Disbursement.** "Disbursement" means an act through which money, property, office, or position or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent, and any money, property, office, or position or other thing of value so promised or transferred.
- Subd. 6. **Political purposes.** An act is done for "political purposes" when the act is intended or done to influence, directly or indirectly, voting at a primary or other election. This does not include news items or editorial comments published or broadcast by the news media.

**History:** 1988 c 578 art 3 s 1; 2004 c 293 art 3 s 1

### 211B.01 NOTES AND DECISIONS

To set forth a "prima facie case" on a complaint alleging a violation of Campaign Financial Reports Act or Fair Campaign Practices Act, the party must either submit evidence or allege facts that, if unchallenged or accepted as true, would be sufficient to prove that the party is entitled to the requested relief. *Abrahamson v. St. Louis County School Dist.*, 802 N.W.2d 393 (Minn. App. 2011).

Complaint alleging that school district and school board violated Campaign Financial Reports Act and Fair Campaign Practices Act, by using public funds to promote the passage of bond issue ballot questions in referendum election, was insufficient to set forth a prima facie violation, as required to entitle complaints to hearing; although complaint identified several expenditures for printing and video work that district had made during campaign period preceding election, and alleged that district superintendent and school principal had promoted the passage of ballot questions, complaint failed to describe the content of any message communicated by district employees or board. *Barry v. St. Anthony-New Brighton Independent Sch. Dist.* 282, 781 N.W.2d 898 (Minn. App. 2010).

Respondent's "legislative review," distributed as paid insert to local paper, constituted campaign material within the meaning of statute. *Gadsden v. Kiffmeyer*, OAH 3-0320-21609-CV (November 1, 2010).

Because of potential chilling effect on free speech rights of chambers of commerce that operated as nonprofit corporations, chambers satisfied injury-in-fact requirement for Article III standing in action challenging

constitutionality of statutes; case was ripe for review; and chambers had reasonable fear of prosecution under statute. *St. Paul Area Chamber of Commerce v. Gaertner*, 439 F.3d 481 (8th Cir. 2006).

Previous provision of statute defining “campaign material” as any material that “tend[s] to influence voting at a primary or other election” was unconstitutionally vague under the First Amendment. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F.Supp.2d 1052 (D. Minn. 2003), affirmed in part and reversed in part on other grounds, 427 F.3D 1106 (8th Cir. 2005)

Fair Campaign Practices Act is directed to actions of candidate and persons for whom he is responsible; and where there is nothing to show that candidate sanctioned improper activities, that are not chargeable to him. *Munnell v. Rowlette*, 275 Minn. 94, 145 N.W. 2d 531 (1966).

Act applies to city charter election. Op. Atty. Gen. 627B-1, August 18, 1966.

Committee formed to support constitutional amendment must file statement of receipts and disbursements. Op. Atty. Gen. 627B-2, August 26, 1952.

The term “voluntary committee” is but another name for a political committee under this section. Such a committee may not be organized as a mere subterfuge to evade the Fair Campaign Practices Act. Op. Atty. Gen. 627C-7, August 30, 1946.

The Fair Campaign Practices Act applies to activities of which the purpose is to secure the adoption or defeat of a constitutional amendment. The act also applies to the activities of a committee formed for purpose of bringing about or preventing the adoption of an ordinance. Op. Atty. Gen. 627B-1, October 14, 1942.

## **211B.02 FALSE CLAIM OF SUPPORT**

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

**History:** 1988 c 578 art 3 s 2

### **211B.02 NOTES AND DECISIONS**

Complainant demonstrated by a preponderance of the evidence that Respondent violated statute by falsely stating in written campaign material that Respondent had the endorsement of particular state legislators. *Forney v. Bourn*, OAH 11-0325-20954-CV (March 19, 2010).

Complainant failed to demonstrate by a preponderance of the evidence that Respondent violated statute by stating that Respondent had endorsement of union before endorsement was officially made; statute requires candidates to obtain written permission before claiming to have been endorsed by individuals, not organizations. *Bourn v. Forney*, OAH 11-0325-20954-CV (March 19, 2010).

Complainant failed to demonstrate by a preponderance of the evidence that Respondent violated statute where Respondent’s website from a previous campaign, accessible only due to a web-browser glitch, accurately described endorsements made in that campaign, and Respondent corrected error when she learned of it. *Bourn v. Forney*, OAH 11-0325-20954-CV (March 19, 2010).

Statute requires actual written permission of purported endorser in order to allow claim of endorsement; there is no exception for national political leaders, or for inferences drawn from leaders’ public statements. *Repke v. Saint Paul Better Ballot Campaign*, OAH 3-0325-20939-CV (November 30, 2009).

Candidate's claim of endorsement from a person, published without the person's written permission, justified levying fine on candidate, even though person did in fact support candidate. *Bicking v. Rybak*, OAH 4-6326-20522-CV (July 28, 2009).

Use of sample ballot falsely implied party endorsement. Matter of Contest of Election in DFL Primary, 344 N.W.2d 826 (Minn. 1983).

Prominent political leaders are not "units of political party." *Graves v. Meland*, 264 N.W.2d 401 (Minn. 1978).

### **211B.03 USE OF THE TERM REELECT**

A person or candidate may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

**History:** 1988 c 578 art 3 s 3

### **211B.04 CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER**

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section [211B.05, subdivision 1](#), that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the ..... committee, .....(address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the ..... committee, .....(address)" for material prepared and paid for by a person or committee other than a principal campaign committee. If the material is produced and disseminated without cost, the words "paid for" may be omitted from the disclaimer.

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the ..... committee." If the material is produced and broadcast without cost, the required form of the disclaimer is: "The ..... committee is responsible for the content of this message."

(d) This section does not apply to fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate.

(e) This section does not apply to an individual or association that is not required to register or report under chapter [10A](#) or [211A](#).

(f) This section does not apply to the following:

(1) bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer cannot be conveniently printed;

(2) skywriting, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; and

(3) online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer.

(g) This section does not modify or repeal section [211B.06](#).

**History:** 1988 c 578 art 3 s 4; 1991 c 227 s 24; 1998 c 376 s 2; 2004 c 293 art 3 s 2; 2010 c 397 s 15; 2015 c 73 s 22

## 211B.04 NOTES AND DECISIONS

Respondent's "legislative review", distributed as a paid insert to local paper, substantially complied with disclaimer requirement contained in statute. *Gadsden v. Kiffmeyer*, OAH 3-0320-21609-CV (November 1, 2010).

Because disclaimer requirement in statute could be violated by completely truthful anonymous statements made by individuals acting independently from any candidate and using their own resources, and there were no overriding state interests that permitted statute to limit such political expression under the exacting scrutiny standard, disclaimer requirement was overbroad and unconstitutional, restricted pure speech in violation of the First Amendment. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

Because disclaimer requirement in statute directly attacks core political speech unsupported by an interest in avoiding the appearance of corruption, statute violates the First Amendment. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F.Supp.2d 1052 (D. Minn. 2003), affirmed in part and reversed in part on other grounds, 427 F.3d 1106 (8th Cir. 2005).

Former sections (a) and (b) of this section were unconstitutional pursuant to *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 115 S. Ct. 1511 (1994). Op. Atty. Gen. 82t, August 27, 1997.

Absence of authorship clause on cards held trivial. *Miske v. Fisher*, 193 Minn. 514, 259 N.W. 18 (1935).

If open letter is circulated in interest of better government and not for particular candidate, then section does not require, in addition to author's name and address, name of any candidate. Op. Atty. Gen. 627J-3, October 6, 1948. See also Op. Atty. Gen. 627J-3, February 10, 1947 on the same issue.

Emery boards must bear name and address of author. Op. Atty. Gen. 627F-1, September 24, 1948.

Sticker with nothing more on it than the name of a person for whom votes are desired is not in effect a campaign card. Op. Atty. Gen. 627J-1, August 18, 1942.

Use of a patriotic poster with candidate's solicitation of votes thereon must bear the name and address of the author. Op. Atty. Gen. 627F-1, August 18, 1942.

Name of person or persons on committee who authorize insertion of advertisement must be stated. Op. Atty. Gen. 627C-5, October 1, 1938.

Candidate for office may include word "lawyer" on campaign card but such a card must contain address of author, while card containing a mere statement that a person is a candidate for office without anything in the way of an appeal or argument does not need to state its authorship. Op. Atty. Gen. 627J-1, March 16, 1936.

## 211B.045 NONCOMMERCIAL SIGNS EXEMPTION

All noncommercial signs of any size may be posted in any number 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.

**History:** 1990 c 585 s 30; 2004 c 142 s 1; 2010 c 184 s 42; 2013 c 131 art 2 s 74

## 211B.05 PAID ADVERTISEMENTS IN NEWS

Subd. 1. **Acceptance of paid advertisements.** A newspaper, periodical, or magazine may not intentionally accept for insertion in the newspaper, magazine, or periodical a political advertisement unless the words "PAID ADVERTISEMENT," and the disclaimer required under section [211B.04](#) are included at the beginning or end of the advertisement. The disclaimer must be in a legible text size and font. A radio station, television station, or cable system may not accept for broadcast a political advertisement unless the words "PAID ADVERTISEMENT" are included at the beginning or end of the advertisement.

- Subd. 2. **Advertising rates.** Rates charged for advertising to support or oppose a candidate or ballot question must be the same as the charges made for any other political candidate and may be no greater than charges made for any other comparable purpose or use according to the seller's rate schedule.
- Subd. 3. **Compensation prohibited, except for paid advertisement.** An owner, publisher, editor, reporter, agent, broadcaster, or employee of a newspaper, periodical, magazine, radio or television broadcast station, or cable system may not directly or indirectly solicit, receive, or accept a payment, promise, or compensation, nor may a person pay or promise to pay or in any manner compensate an owner, publisher, editor, reporter, agent, broadcaster, or employee directly or indirectly for influencing or attempting to influence voting at an election or primary through printed material in the newspaper or periodical, or radio, television, or cable broadcast, except as a "PAID ADVERTISEMENT" as provided in this section.
- Subd. 4. **Unpaid material identification.** Unpaid material published in a newspaper, magazine, or other publication that is: (1) in unique typeset or otherwise differentiated from other unpaid material, (2) designed to influence or attempt to influence the voting at any election or the passage or defeat of legislation, and (3) not placed on the editorial page must be clearly identified as an editorial opinion.

**History:** 1988 c 578 art 3 s 5; 2001 c 143 s 1

#### 211B.05 NOTES AND DECISIONS

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

#### 211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL

- Subd. 1. **Gross misdemeanor.** A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

- Subd. 2. **Exception.** Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.

**History:** 1988 c 578 art 3 s 6; 1998 c 376 s 3

## 211B.06 NOTES AND DECISIONS

**\*\*\*IMPORTANT:** In the case of *281 Care Committee et al v. Arneson et al.*, (Case No. 13-1229) issued September 2, 2014, the United States Court of Appeals for the Eighth Circuit determined that 211B.06 failed a constitutional challenge under the First Amendment and was void.

Claim that district court improperly refused to accept candidate's election contest filing because district court's decision was not a "duty concerning an election"; statute is not a broad vehicle through which any conduct with any relationship to an election, however tangential, can be challenged. *Carlson v. Ritchie*, 830 N.W.2d 887 (Minn. 2013).

Budget projection based on "worst case" scenario was not sufficient to establish actual malice, and therefore publication of projection in support of ballot question did not constitute publication of a false statement in connection with a ballot question; using "worst case" assumptions was more akin to producing a "slanted" statement than it was to producing a statement that was demonstrably false. *Abrahamson v. Saint Louis Cnty. Sch. Dist.*, 819 N.W.2d 129 (Minn. 2012).

Claim alleging a violation of statute that made it a criminal offense to publish a false statement to defeat a ballot question was required to be filed within one year of the publication of the statement. *Abrahamson v. Saint Louis Cnty. Sch. Dist.*, 819 N.W.2d 129 (Minn. 2012).

Suit was not void for failure to state a claim for which relief could be granted because statute presents a credible threat of prosecution for non-defamatory speech about ballot initiatives and plaintiffs presented sufficient allegations that their non-defamatory speech about ballot initiatives had been chilled to survive a motion to dismiss. *281 Care Comm. v. Arneson*, 638 F.3d 621 (8<sup>th</sup> Cir. 2011).

Complaint failed to provide sufficient evidence to demonstrate that Respondent violated statute because evidence was insufficient to prove that the Respondent knew that his challenged statement in newspaper advertisement was false or that he communicated it with reckless disregard as to whether it was false. *Carpenter v. Walker*, OAH 8-0325-21583-CV (October 25, 2010).

Complainant failed to provide sufficient evidence to demonstrate that Respondent violated statute because evidence is insufficient to prove that Respondent knew that challenged statement in campaign materials was false or that he communicated it with reckless disregard as to whether it was false. *Fatland v. Smith*, OAH 8-0325-21219-CV (June 9, 2010).

Respondent's challenged statement in advertisement, while incomplete and somewhat misleading, was not false within meaning of statute. *Erickson v. Education Minnesota Local 1406*, OAH 15-0325-21158-CV (May 18, 2010).

Respondent's challenged statement in advertisement was not false within meaning of statute. *House Republican Campaign Comm. v. Alliance for a Better Minnesota*, OAH 3-0320-21132-CV (April 27, 2010).

Summary disposition for Respondent was appropriate because Complainant produced no evidence that Respondent's challenged statements were factually false or that Respondent disseminated them with reckless disregard as to whether they were false. *Thul v. Minnesota DFL Party*, OAH 11-0320-21159-CV (April 20, 2010).

Statute is directed against false statements of specific facts, and does not prohibit inferences or implications, even if misleading; moreover, statement that must be proved false is not necessarily the literal phrase published but rather what a reasonable reader would have understood the author to have said. *Hauer v. Katch*, OAH 8-0325-20710-CV (August 3, 2009)

Statute mandated fine be levied upon person who wrote letter to residents of city criticizing City Council and containing factual allegation writer knew to be false; letter constituted "campaign material" under meaning of statute. *Pahl v. Mucciacciaro*, OAH 8-6381-20067-CV (February 11, 2009)

Violation of the statutory prohibition of false campaign material requires a finding of both a false statement and actual malice of reckless disregard. Statements criticizing official conduct do not lose constitutional protection merely because they are criticisms and effectively diminish an official's reputation. Statements in candidate's campaign flyer held to be false contentions of fact, rather than statements of opinion protected under the First Amendment. Penalty of \$800 for candidate's violation of statutory prohibition on false campaign material, based on candidate's willfulness and on gravity of violations, held valid. *Fine v. Bernstein*, 726 N. W. 2d 137 (Minn. App. 2007).

Rights to jury trial of successful candidates in city council election were not violated by administrative hearing process that heard allegations by their opponents that they violated statutes establishing financial-reporting requirements for political candidates and committees acting to influence elections and statutes regulating campaign practices. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

As-applied constitutional challenge to election statute prohibiting false statements that hinged on party-endorsed candidate's being prosecuted for allegedly falsely claiming to be only party member who was candidate in county commissioner race was mooted when charges against candidate were dismissed with prejudice. Republican Party of Minn., *Third Congressional Dist. v. Klobuchar*, 381 F.3d 785 (8th Cir. 2004)

This section is not preempted by the Federal Election Campaign Act. However, it is unconstitutionally overbroad because it extends to statements not made with "actual malice." *State v. Jude*, 554 N.W.2d 750 (Minn. Ct. App. 1996).

Extreme and illogical inferences drawn from accurate fact statement was not "false information." *Kennedy v. Voss*, 304 N.W.2d 299 (Minn. 1981).

Campaign circular containing earlier laudatory statements about a candidate is not defamatory and, therefore, does not violate this section. *Graves v. Meland*, 264 N.W. 2d 401 (Minn. 1978).

False representation regarding source of information is not violation of election laws as long as information is true. *Grotjohn v. McCollar*, 291 Minn. 344, 191 N.W. 2d 396 (1971).

Candidate who denied prior knowledge of the details and method of publishing alleged falsehood did not violate Fair Campaign Practices Act. In re County Commissioner for Wright County, 289 Minn. 523, 185 N.W. 2d 277 (1971).

Although defamatory of supporters of a candidate, a campaign document held not defamatory of candidate himself and so no violation of Corrupt Practices Act. *Dart v. Erickson*, 188 Minn. 344, 191 N.W. 2d 396 (1971).

## **211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED**

A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.

**History:** 1988 c 578 art 3 s 7

## 211B.07 NOTES AND DECISIONS

Complainant failed to demonstrate preponderance of the evidence that Respondent sheriff threatened coercion, harm, or loss in order to compel him to cast a ballot for Respondent in the fall election. *Turcotte v. Dahl*, OAH 4-0325-21569-CV (October 25, 2010).

Statute requires showing that accused party used or threatened force, coercion, violence, harm, undue influence, or other similar tactics to compel a person to vote for him or another candidate; showing that accused told a person not to vote for another candidate is insufficient. *Smith v. Ewanika*, OAH 12-6302-20444-CV (April 1, 2009).

Campaign flyers distributed by city council candidate, stating that if recipients of the flyers did not remove lawn signs supporting opponent, that would “not go unnoticed in the future,” did not threaten voters in violation of section of Fair Campaign Practices Act prohibiting exerting undue influence on voters; vaguely ominous-sounding language did not make any specific threat. *Menne v. Phillips*, 2008 WL 2102721 (Minn. App. May 20, 2008) (unpublished op.).

In absence of showing that incumbent municipal judge by his presence in courtroom on court business for some 1-1/2 hours during morning of election had interfered with conduct of election in adjacent polling place or had sought to influence voters or that he was aware that sticker campaign was being conducted for another candidate for his office, election of incumbent was not invalid on ground that he had violated election statutes. *Munnell v. Rowlette*, 275 Minn. 92, 145 N.W. 2d 531 (1966).

While action of police officer in interfering with campaign worker for sticker candidate for municipal judge was unwarranted where action was not that of opposing candidate and there was nothing to show that opponent had sanctioned such action, any violation of Corrupt Practices Act would be chargeable to opponent. *Id.*

Where it is customary for incumbent judge to release prisoners convicted of misdemeanors before Christmas each year so as to permit them to earn money for Christmas shopping, and there was no showing that prisoners released pursuant to that practice shortly before election in which incumbent was candidate where voters in village where election was to be held or had been directed or solicited to vote for incumbent in exchange for their freedom, there was nothing in such conduct to justify any invalidation of incumbent’s reelection. *Id.*

Corrupt Practices Act is directed to actions of candidates for office and to persons for who he is responsible. *Id.*

Standing in line by nonvoters and the abuse of the right to challenge voters constitute gross misdemeanors under Minnesota law. *Op. Atty. Gen.* 182, October 26, 1964.

Judgment that contestee’s attempted coercion of voters on public relief by threats that he, as chairman of emergency relief board, would have them removed from relief if they did not support him in his campaign for county commissioner, was limited in character and that his election was free from offensive and illegal acts is reversed and judgment directed that contestee’s election be annulled and set aside. *Fritz v. Hanfler*, 195 Minn. 640 263 N.W. 10 (1935).

## 211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED

A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:

- (1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;
- (2) ordinary business advertisements;

- (3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or
- (4) ordinary contributions at church services.

**History:** 1988 c 578 art 3 s 8

#### 211B.08 NOTES AND DECISIONS

Provision prohibiting religious, charitable, or educational organizations from requesting donations from candidates or committees was not narrowly tailored to serve state interest in prohibiting organizations from soliciting money from candidates in exchange for votes, and thus violated those organizations' First Amendment right to solicit contributions. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 427 F.3d 1106 (8th Cir. 2005), reversing 291 F.Supp.2d 1052 (D. Minn. 2003).

#### 211B.09 PROHIBITED PUBLIC EMPLOYEE ACTIVITIES

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.

**History:** 1988 c 578 art 3 s 9

#### 211B.09 NOTES AND DECISIONS

Display of campaign literature at courthouse not within meaning of "compel". *Burns v. Valen*, 400 N.W. 2d 123 (Minn. Ct. App. 1987).

#### 211B.10 INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS

- Subd. 1. **Inducing or refraining from candidacy.** A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.
- Subd. 1a. **Prohibited activities of a political party.** A political party unit may not, through imposition or threatened imposition of any fine, sanction, or other penalty, attempt to coerce an individual who does not have the party unit's official endorsement as a means to prevent the individual from filing as a candidate for office.
- Subd. 2. **Time off for public office meetings.** A person elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.

**History:** 1988 c 578 art 3 s 10; 2012 c 250 s 3

## 211B.11 ELECTION DAY PROHIBITIONS

Subd. 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may provide stickers which contain the words "I VOTED" and nothing more. Election judges may offer a sticker of this type to each voter who has signed the polling place roster or voter signature certificate.

Subd. 3. **Transportation of voters to polling place; penalty.** A person transporting a voter to or from the polling place may not ask, solicit, or in any manner try to induce or persuade a voter on primary or election day to vote or refrain from voting for a candidate or ballot question.

Subd. 4. **Penalty.** Violation of this section is a petty misdemeanor.

**History:** 1988 c 578 art 3 s 11; 1989 c 291 art 1 s 32; 1993 c 223 s 25; 2014 c 288 art 2 s 8

### 211B.11 NOTES AND DECISIONS

Excluding political organization's "Please I.D. Me" buttons from polling place was rationally related to state's interests in maintaining decorum of the polls, preserving integrity of elections, and protecting voters from confusion and undue influence. Statute and election policy prohibiting display of political materials in the polling place, as applied, did not violate First Amendment right to freedom of speech. *Minnesota Majority v. Mansky*, 62 F.Supp.3d 870 (D. Minn. 2014).

Statute did not facially violate First Amendment right to freedom of speech, because statute was viewpoint neutral as applicable to all political material regardless of viewpoint, was reasonable restriction of speech in nonpublic forum in light of purpose that forum served and state's legitimate interest in maintaining peace, order, and decorum in polling place, and had plainly legitimate sweep. As-applied challenge remanded to district court for further proceedings. *Minnesota Majority v. Mansky*, 708 F.3d 1051 (8<sup>th</sup> Cir. 2013).

Statute prohibiting display of political material at or about the polling place, as applied by written state election day policy prohibiting wearing of political buttons and clothing, was viewpoint neutral and was reasonably related to the legitimate state interest of maintaining safe, orderly, advocacy-free polling places, as required by First Amendment; inclusion of illustrative examples in policy, including plaintiffs' political organization, did not alter the viewpoint neutrality of the policy, and fact that policy was promulgated following plaintiff election judge's inquiry did not support a finding that the policy was not viewpoint neutral or that the restrictions were content-based. *Minnesota Majority v. Mansky*, 789 F.Supp.2d 1112 (D. Minn. 2011).

Suit against county officials and Secretary of State alleging that enforcement of statutory bar on the wearing of political badges, political buttons, and other political insignia within polling places violated plaintiffs' constitutional rights failed to state a claim for which relief could be granted. *Minnesota Majority v. Mansky*, No. 10-4401 (D. Minn. Apr. 29, 2011).

Statute does not apply to private property or against a person who displays campaign material within a private business. Statute does apply to candidate who drove past polling place on election day in truck bearing campaign sign promoting his candidacy. *Schimming v. Riverblood*, OAH 7-6347-20326-CV (June 5, 2009).

This section forbids erection of campaign sign before election day for display on election day within 100 feet of polling place. *State v. Zimmer*, Findings of Fact, Conclusions of Law and Order, No. T3-94-3002 (Mille Lacs Co. Dist. Ct., May 5, 1995).

Former subdivision 2 prohibiting Election Day campaigning was unconstitutional. Op. Atty. Gen. 627-h, August 28, 1989.

There is no provision of the Minnesota election law prohibiting the posting of signs within one hundred feet of a polling place except such posting may not be done on Election Day. Op. Atty. Gen. 627H, May 31, 1966.

Stickers may not be distributed at or within the polling place or within one hundred feet thereof on Election Day. Op. Atty. Gen. 627B-8, March 9, 1945.

Stickers may not be left in an election polling place on Election Day. Op. Atty. Gen. 28A-8, August 7, 1942.

## 211B.12 LEGAL EXPENDITURES

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;
- (6) charitable contributions of not more than \$100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed is not limited by this clause if the political committee, political fund, party unit, principal campaign committee, or campaign fund of a candidate for political subdivision office that made the contribution dissolves within one year after the contribution is made; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

**History:** 1988 c 578 art 3 s 12; 1993 c 318 art 2 s 48; 2008 c 295 s 23; 2010 c 327 s 27; 2015 c 73 s 23

### 211B.12 NOTES AND DECISIONS

Evidence that Respondent city council member spent campaign funds on hairstyling and dry-cleaning services and AAA membership is sufficient to show violation of statute; such expenses were not reasonably related to Respondent's campaign, and personal benefits conferred upon Respondent were so disproportionate as to convert disbursements to personal use. *Kaari v. Johnson*, OAH 8-0325-20970-CV (March 2, 2010).

The word "salary" is construed in an election contest as being used in broad sense of compensation embracing both "salary" and "fees". *Spokely v. Haaven*, 183 Minn. 467, 237 N.W. 11 (1931).

## 211B.13 BRIBERY, TREATING, AND SOLICITATION

Subd. 1. **Bribery, advancing money, and treating prohibited.** A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages having a value up to \$5 consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. **Certain solicitations prohibited.** A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section [211B.15](#).

**History:** 1988 c 578 art 3 s 13; 2005 c 156 art 6 s 63

### 211B.13 NOTES AND DECISIONS

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

Fact that candidate's campaign billboard is located on property owned by corporation is not sufficient to show that corporation made prohibited corporate contribution to candidate or his campaign committee. *Rego v. Emmer*, OAH 15-0320-20325-CV (March 18, 2009).

The making in good faith by a group of citizens to an entire county of an offer of site and money for a new court house is not a felony under this section. Op. Atty. Gen. 627B-3, May 6, 1954. Accord Op. Atty. Gen. 106-e, April 10, 1955.

Whether the distribution of objects such as matchbooks, pencils, emery boards, etc. is a violation of this section is a question of fact upon which the attorney general cannot pass judgment. Op. Atty. Gen. 627F-1, March 7, 1950.

Acceptance of cut in salary pursuant to resolution of county board would not be violation of Corrupt Practices Act. Op. Atty. Gen., July 27, 1933. For other opinions treating this issue see also Op. Atty. Gen. 359A-22, March 22, 1933; Op. Atty. Gen. 627B-3, March 20, 1933; Op. Atty. Gen. 359A-22, July 11, 1932 and January 27, 1932.

Giving of drink of liquor as act of mere hospitality is not violation of Corrupt Practices Act. *Engelbret v. Tuttle*, 185 Minn. 608, 242 N.W. 425 (1932).

Giving shower gifts to friends similar in value to gifts given by other guests was not a violation. Id.

The distribution by a candidate of free tickets to a county fair admitting children under 12 years of age free is a violation of this section. (Op. Atty. Gen. 627f-1, June 3, 1930).

Giving voter a drink of liquor while actively soliciting vote is a violation. *Miller v. Maier*, 136 Minn. 231, 161 N.W. 513 (1917).

It is not legal for a candidate to give away cigars in the election room while the polls are open. (Op. Atty. Gen. 627f-1, March 20, 1917).

## 211B.14 DIGEST OF LAWS

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the secretary of state.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient. A copy of the digest and, if appropriate, a financial reporting form and a certification of filing form must be distributed to each candidate by the filing officer at the time that the candidate's affidavit of candidacy is filed.

**History:** 1988 c 578 art 3 s 14; 1993 c 223 s 26; 1997 c 147 s 73

## 211B.15 CORPORATE POLITICAL CONTRIBUTIONS

Subd. 1. **Definitions.** For purposes of this section, "corporation" means:

- (1) a corporation organized for profit that does business in this state;
- (2) a nonprofit corporation that carries out activities in this state; or
- (3) a limited liability company formed under chapter [322B](#), or under similar laws of another state, that does business in this state.

Subd. 2. **Prohibited contributions.** (a) A corporation may not make a contribution or offer or agree to make a contribution directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office.

(b) A political party, organization, committee, or individual may not accept a contribution or an offer or agreement to make a contribution that a corporation is prohibited from making under paragraph (a).

(c) For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate but does not include an independent expenditure authorized by subdivision 3.

Subd. 3. **Independent expenditures.** A corporation may not make an expenditure or offer or agree to make an expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office, unless the expenditure is an independent expenditure. For the purpose of this subdivision, "independent expenditure" has the meaning given in section [10A.01, subdivision 18](#).

Subd. 4. **Ballot question.** A corporation may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

- Subd. 5. **News media.** This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.
- Subd. 6. **Penalty for individuals.** (a) An officer, manager, stockholder, member, agent, employee, attorney, or other representative of a corporation acting on behalf of the corporation who violates this section is subject to a civil penalty of up to ten times the amount of the violation, but in no case more than \$10,000, imposed by the [Campaign Finance and Public Disclosure Board](#) under chapter [10A](#) or imposed by the [Office of Administrative Hearings](#) under this chapter.
- (b) Knowingly violating this section is a crime. An officer, manager, stockholder, member, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who is convicted of knowingly violating this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.
- Subd. 7. **Penalty for corporations.** (a) A corporation that violates this section is subject to a civil penalty of up to ten times the amount of the violation, but in no case more than \$10,000, imposed by the [Campaign Finance and Public Disclosure Board](#) under chapter [10A](#) or imposed by the Office of Administrative Hearings under this chapter.
- (b) Knowingly violating this section is a crime. A corporation convicted of knowingly violating this section is subject to a fine not greater than \$40,000. A convicted domestic corporation may be dissolved as well as fined. If a foreign or nonresident corporation is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.
- Subd 7a. **Application of penalties.** No penalty may be imposed for a violation of this section that is subject to a civil penalty under section [10A.121](#).
- Subd 7b. **Knowing violations.** An individual or a corporation knowingly violates this section if, at the time of a transaction, the individual or the corporation knew:
- (1) that the transaction causing the violation constituted a contribution under chapter [10A](#), chapter [211A](#), or chapter [383B](#); and
- (2) that the contributor was a corporation subject to the prohibitions of subdivision 2.
- Subd. 8. **Permitted activity; political party.** It is not a violation of this section for a political party, as defined in section [200.02, subdivision 7](#), to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.
- Subd. 9. **Media projects.** It is not a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.
- Subd. 10. **Meeting facilities.** It is not a violation of this section for a corporation to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.
- Subd. 11. **Messages on premises.** It is not a violation of this section for a corporation selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 13. **Aiding violation; penalty.** An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.

Subd. 14. **Prosecutions; venue.** Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Subd. 15. **Nonprofit corporation exemption.** The prohibitions in this section do not apply to a nonprofit corporation that:

(1) is not organized or operating for the principal purpose of conducting a business;

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

Subd. 16. **Employee political fund solicitation.** Any solicitation of political contributions by an employee must be in writing, informational and nonpartisan in nature, and not promotional for any particular candidate or group of candidates. The solicitation must consist only of a general request on behalf of an independent political committee (conduit fund) and must state that there is no minimum contribution, that a contribution or lack thereof will in no way impact the employee's employment, that the employee must direct the contribution to candidates of the employee's choice, and that any response by the employee shall remain confidential and shall not be directed to the employee's supervisors or managers. Questions from an employee regarding a solicitation may be answered orally or in writing consistent with the above requirements. Nothing in this subdivision authorizes a corporate donation of an employee's time prohibited under subdivision 2.

Subd. 17. **Nonprofit corporation political activity.** It is not a violation of this section for a nonprofit corporation to provide administrative assistance to one political committee or political fund that is associated with the nonprofit corporation and registered with the campaign finance and public disclosure board under section [10A.14](#). Such assistance must be limited to accounting, clerical or legal services, bank charges, utilities, office space, and supplies. The records of the political committee or political fund may be kept on the premises of the nonprofit corporation.

The administrative assistance provided by the nonprofit corporation to the political committee or political fund is limited annually to the lesser of \$5,000 or 7-1/2 percent of the expenditures of the political committee or political fund.

**History:** 1988 c 578 art 3 s 15; 1989 c 209 art 2 s 26; 1992 c 517 art 1 s 1-9; 1993 c 318 art 2 s 49; 1996 c 459 s 3,4; 1997 c 202 art 2 s 63; 2010 c 397 s 16,17,18,20; 2013 c 138 art 1 s 51-53; 2015 c 73 s 24

#### 211B.15 NOTES AND DECISIONS

District court did not abuse its discretion in denying preliminary injunction sought by Minnesota corporations to prevent enforcement of provision of Minnesota's Fair Campaign Practices law prohibiting corporate political contributions as in violation of their First Amendment speech rights. *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 692 F.3d 864 (8<sup>th</sup> Cir. 2012).

Statutory ban on direct corporate contributions to political candidates and affiliated entities, such as political parties, did not violate Equal Protection Clause; crucial differences existed between structure and functioning of

corporations and unions that justified differential treatment under election laws. *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 640 F.3d 304 (8<sup>th</sup> Cir. 2011)

Corporations seeking preliminary injunction enjoining enforcement of Minnesota law precluding corporations from making direct contributions to candidates and political parties did not have likelihood of success on the merits of their claims that the law violated plaintiffs' constitutional rights. *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 741 F.Supp.2d 1115 (D. Minn. 2010).

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

"Corporation," as used in statute, does not include school district or its board members. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

Because of potential chilling effect on free speech rights of chambers of commerce that operated as nonprofit corporations, chambers satisfied injury-in-fact, requirement for Article III standing in action challenging constitutionality of statutes; case was ripe for review; and chambers had reasonable fear of prosecution under statute. *St. Paul Area Chamber of Commerce v. Gaertner*, 439 F.3d 481 (8th Cir. 2006).

See [M.S. 72A.12, subd. 5](#) (1988), pertaining to insurance companies.

Statute prohibiting corporate independent expenditures was unconstitutional as applied to certain nonprofit organizations. *Day v. Holohan*, 34 F.3d 1356 (8th Cir. 1994).

This section does not prohibit sponsorship of "conduit" or "nonpartisan" political action committees by a corporation. *Minnesota Association of Commerce and Industry v. Foley*, 316 N.W. 2d 524 (Minn. 1982).

## **211B.16 PROSECUTION**

Subd. 3. **County attorney authority.** A county attorney may prosecute any violation of this chapter.

**History:** 1988 c 578 art 3 s 16; 2004 c 277 s 5

### **211B.16 NOTES AND DECISIONS**

County attorney may proceed by complaint and information rather than impaneling grand jury. Op. Atty. Gen. 627B-1, August 18, 1966.

Attorney employed to assist county attorney is not required to conduct a private and independent investigation but may conduct same so as to enable attorney to present the county attorney relevant facts and names of witnesses capable of giving competent testimony in proceeding. Op. Atty. Gen. 121A-1, September 29, 1952.

## **211B.17 FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED**

Subd. 1. **Forfeiture of nomination or office.** Except as provided in subdivision 2, if a candidate is found guilty of violating this chapter or an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

- Subd. 2. **Circumstances where nomination or office not forfeited.** In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:
- (1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or
  - (2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith; and the court also finds that it would be unjust for a candidate to forfeit the nomination or election. None of these findings is a defense to a conviction under this chapter.

**History:** 1988 c 578 art 3 s 17

#### 211B.17 NOTES AND DECISIONS

Alleged violations of Fair Campaign Practices Act by newspaper stated no justiciable issue for election contest. *Derus v. Higgins*, 555 N.W.2d 515 (Minn. 1996).

#### 211B.18 DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy in that office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy that may occur in the office. An appointment to an office made contrary to the provisions of this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under [article XII, section 3, of the Minnesota Constitution](#).

**History:** 1988 c 578 art 3 s 18

#### 211B.18 NOTES AND DECISIONS

Legislator excluded from office due to violation of Fair Campaign Practices Act could not be precluded from running in special election solely on account of that prior violation. *Pavlak v. Growe*, 284 N.W.2d 174 (Minn. 1979).

#### 211B.19 PENALTIES FOR VIOLATION

A violation of this chapter for which no other penalty is provided is a misdemeanor.

**History:** 1988 c 578 art 3 s 19

#### 211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS

Subd. 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

- (1) organized a campaign committee under applicable federal or state law;
- (2) filed a financial report as required by section [211A.02](#); or

(3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

- (1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;
- (3) in the case of a nursing home or a registered housing with services establishment providing assisted living services meeting the requirements of section [144G.03, subdivision 2](#), denial of permission to visit certain persons for valid health reasons;
- (4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;
- (5) requiring a prior appointment to gain access to the facility; or
- (6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

**History:** 1988 c 578 art 3 s 20; 2010 c 314 s 3

## **211B.205 PARTICIPATION IN PUBLIC PARADES**

If a public parade allows candidates, a candidate must be allowed to participate for a fee that is not greater than the amount that is charged to other units participating in the parade.

**History:** 1Sp2001 c 10 art 18 s 40

## 211B.21 APPLICABILITY

Nothing in section [211B.17](#) or [211B.18](#) may be construed to limit the ability of each house of the legislature to act as judge of the election returns and eligibility of its own members.

**History:** 1988 c 578 art 3 s 21

## 211B.31 DEFINITION

As used in sections [211B.32 to 211B.36](#), "office" means the Office of Administrative Hearings.

**History:** 2004 c 277 s 6

## 211B.32 COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES

- Subd. 1. **Administrative remedy; exhaustion.** (a) Except as provided in paragraph (b), a complaint alleging a violation of chapter [211A](#) or [211B](#) must be filed with the office. The complaint must be finally disposed of by the office before the alleged violation may be prosecuted by a county attorney.
- (b) Complaints arising under those sections and related to those individuals and associations specified in section [10A.022, subd. 3](#), must be filed with the Campaign Finance and Public Disclosure Board.
- Subd. 2. **Limitation on filing.** The complaint must be filed with the office within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the fraud, concealment, or misrepresentation was discovered.
- Subd. 3. **Form of complaint.** The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe the form of a complaint.
- Subd. 4. **Proof of claim.** The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section [211B.06](#), relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter [211A](#) or [211B](#) is a preponderance of the evidence.
- Subd. 5. **Filing fee; waiver; refund.**
- (a) The complaint must be accompanied by a filing fee of \$50, unless filed by a filing officer under section [211A.05, subdivision 2](#).
- (b) The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee.
- (c) The office may refund the filing fee of a complainant who prevails on the merits.
- Subd. 6. **Service on respondent.** Upon receipt of the filed complaint, the office must immediately notify the respondent and provide the respondent with a copy of the complaint by the most expeditious means available.

**History:** 2004 c 277 s 7; 2013 c 138 art 1 s 54; 2015 c 73 s 26

## 211B.32 NOTES AND DECISIONS

Claim alleging a violation of statute that made it a criminal offense to publish a false statement to defeat a ballot question was required to be filed within one year of the publication of the statement. *Abrahamson v. Saint Louis Cnty. Sch. Dist.*, 819 N.W.2d 129 (Minn. 2012).

Statutes that established administrative hearing process, which heard allegations filed by opponents of successful candidates in city council election that candidates violated statutes establishing financial-reporting requirements and statutes regulating campaign practices, did not unconstitutionally intrude on First Amendment rights of successful candidates, as statutes merely established a process to consider violations of election statutes and did not establish substantive law. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

## 211B.33 PRIMA FACIE REVIEW

- Subd. 1. **Time for review.** The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.
- Subd. 2. **Recommendation.** (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter [211A](#) or [211B](#), the administrative law judge must dismiss the complaint.
- (b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section [211B.06](#) and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section [211B.34](#).
- (c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter [211A](#) or [211B](#), other than section [211B.06](#), and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section [211B.34](#).
- (d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter [211A](#) or [211B](#), and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section [211B.35](#).
- Subd. 3. **Notice to parties.** The office must notify all parties of the determination made under subdivision 2. If the complaint is scheduled for hearing, the notice must identify the time and place of the hearing and inform all parties that they may submit evidence, affidavits, documentation, and argument for consideration by the administrative law judge.
- Subd. 4. **Joinder and separation of complaints.** The chief administrative law judge may direct that two or more complaints be joined for disposition if the chief administrative law judge determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more

allegations, the chief administrative law judge may separate the allegations, if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the chief administrative law judge separates the allegations in a complaint, the assigned administrative law judge or judges may make separate recommendations under subdivision 2 for each allegation.

**History:** 2004 c 277 s 8

## **211B.34 PROBABLE CAUSE HEARING**

Subd. 1. **Time for review.** The assigned administrative law judge must hold a probable cause hearing on the complaint no later than three business days after receiving the assignment if an expedited hearing is required by section [211B.33](#), except that for good cause the administrative law judge may hold the hearing no later than seven days after receiving the assignment. If an expedited hearing is not required by section [211B.33](#), the administrative law judge must hold the hearing not later than 30 days after receiving the assignment.

Subd. 2. **Disposition.** At the probable cause hearing, the administrative law judge must make one of the following determinations:

(a) The complaint is frivolous, or there is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge makes either determination, the administrative law judge must dismiss the complaint.

(b) There is probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge so determines, the chief administrative law judge must schedule the complaint for an evidentiary hearing under section [211B.35](#).

Subd. 3. **Reconsideration by chief administrative law judge.**

(a) If the administrative law judge dismisses the complaint, the administrative law judge shall provide to the complainant written notice of the right to seek reconsideration of the decision on the record by the chief administrative law judge.

(b) A petition for reconsideration must be filed within two business days after the dismissal. The chief administrative law judge must make a decision on the petition within three business days after receiving the petition. If the chief administrative law judge determines that the assigned administrative law judge made a clear error of law and grants the petition, within five business days after granting the petition, the chief administrative law judge shall schedule the complaint for an evidentiary hearing under section [211B.35](#).

**History:** 2004 c 277 s 9

## **211B.35 EVIDENTIARY HEARING BY PANEL**

Subd. 1. **Deadline for hearing.** When required by section [211B.34, subdivision 2 or 3](#), the chief administrative law judge must assign the complaint to a panel of three administrative law judges for an evidentiary hearing. The hearing must be held within the following times:

(1) ten days after the complaint was assigned, if an expedited probable cause hearing was requested or required under section [211B.33](#);

(2) 30 days after the complaint was filed, if it was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates;  
or

(3) 90 days after the complaint was filed, if it was filed at any other time.

For good cause shown, the panel may extend the deadline set forth in clause (2) or (3) by 60 days.

Subd. 2. **Disposition of complaint.** The panel must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions:

(a) The panel may dismiss the complaint.

(b) The panel may issue a reprimand.

(c) The panel may find that a statement made in a paid advertisement or campaign material violated section [211B.06](#).

(d) The panel may impose a civil penalty of up to \$5,000 for any violation of chapter [211A](#) or [211B](#).

(e) The panel may refer the complaint to the appropriate county attorney.

Subd. 3. **Time for disposition.** The panel must dispose of the complaint:

(1) within three days after the hearing record closes, if an expedited probable cause hearing was required by section [211B.33](#); and

(2) within 14 days after the hearing record closes, if an expedited probable cause hearing was not required by section [211B.33](#).

**History:** [2004 c 277 s 10](#)

#### 211B.35 NOTES AND DECISIONS

Statutes that established administrative hearing process, which heard allegations filed by opponents of successful candidates in city council election that candidates violated statutes establishing financial-reporting requirements and statutes regulating campaign practices, did not unconstitutionally intrude on First Amendment rights of successful candidates, as statutes merely established a process to consider violations of election statutes and did not establish substantive law. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

#### 211B.36 PROCEDURES

Subd. 1. **Evidence and argument.** The administrative law judge or panel may consider any evidence and argument submitted until a hearing record is closed, including affidavits and documentation, or may continue a hearing to enable the parties to submit additional testimony.

Subd. 2. **Withdrawal of complaint.** At any time before an evidentiary hearing under section [211B.35](#) begins, a complainant may withdraw a complaint filed under section [211B.32](#). After the evidentiary hearing begins, a complaint filed under section [211B.32](#) may only be withdrawn with the permission of the panel.

Subd. 3. **Costs.** If the assigned administrative law judge or panel determines the complaint is frivolous, they may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed.

Subd. 4. **Hearings public.** A hearing under section [211B.34](#) or [211B.35](#) may be conducted by conference telephone call or by interactive television. All hearings must be open to the public.

Subd. 5. **Judicial review.** A party aggrieved by a final decision on a complaint filed under section [211B.32](#) is entitled to judicial review of the decision as provided in sections [14.63 to 14.69](#); however, proceedings on a complaint filed under section [211B.32](#) are not a contested case within the meaning of chapter [14](#) and are not otherwise governed by chapter [14](#).

**History:** [2004 c 277 s 11](#)

#### **211B.36 NOTES AND DECISIONS**

Statutes regulating campaign practices did not violate the separation-of-powers doctrine or amount to an unconstitutional delegation of district court's original jurisdiction. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

#### **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 paid from appropriations to the office for this purpose. Costs of complaints relating to any other ballot question or elective office must be paid from appropriation to the office for this purpose.

**History:** [2004 c 277 s 12](#); [2013 c 131 art 2 s 75](#); [2013 c 138 art 4 s 7](#); [2015 c 73 s 25](#); [2015 c 77 art 2 s 52](#)



## RELATED LAWS - SELECTED PROVISIONS

Note: The following are selected provisions of laws related to the conduct of election campaigns in Minnesota and are provided for informational purposes only. Please refer to Minnesota Statutes for the full text of these sections.

### 10A.01 NON-CAMPAIGN DISBURSEMENT

Subd. 18. **Independent expenditure.** "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate, if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent. An independent expenditure is not a contribution to that candidate. An independent expenditure does not include the act of announcing a formal public endorsement of a candidate for public office, unless the act announcing is simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure under this subdivision.

Subd. 26. **Non-campaign disbursement.** "Non-campaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;
- (5) payment for food, beverages, and necessary utensils and supplies, entertainment, and facility rental for a fund-raising event;
- (6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held, and half the cost of services for a constituent by a member of the legislature or a constitutional officer in the executive branch performed from adjournment sine die to 60 days after adjournment sine die;
- (7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;
- (8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;
- (10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;
- (11) costs of child care for the candidate's children when campaigning;

- (12) fees paid to attend a campaign school;
- (13) costs of a post-election party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;
- (14) interest on loans paid by a principal campaign committee on outstanding loans;
- (15) filing fees;
- (16) post-general election holiday or seasonal cards, thank-you notes, or advertisements in the news media mailed or published prior to the end of the election cycle;
- (17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;
- (18) contributions to a party unit;
- (19) payments for funeral gifts or memorials;
- (20) the cost of a magnet less than six inches in diameter containing legislator contact information and distributed to constituents; and
- (21) costs associated with a candidate attending a political party state or national convention in this state;
- (22) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question; and
- (23) costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check.

The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

A noncampaign disbursement is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

#### **10A.01 NOTES AND DECISIONS**

Corporations seeking preliminary injunction against enforcement of Minnesota statute, which defined independent expenditures that corporations were allowed to make advocating the election or defeat of a clearly identified candidate, were not likely to succeed on the merits of their claim that the definition was impermissibly vague under the First Amendment; definition did not apply to expenditures for issue advocacy or advocacy that did not use the "magic words," such as "vote for," "elect," "support," "vote against," and "defeat," which the Supreme Court had recognized as constituting express advocacy. *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 741 F.Supp.2d 1115 (D. Minn. 2010).

In order to avoid invalidation of statute on grounds that it is vague, overbroad, and regulated political speech in violation of the First Amendment, phrase "to influence the nomination or election of a candidate" in subds. 27 and 28 must be construed so as to mean that "political committee" is organization whose major purpose is nomination or election of a candidate and that "political fund" is fund used for express advocacy. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F.Supp.2d 1052 (D. Minn. 2003).

## **10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION POLITICAL COMMITTEES AND FUNDS**

Subd. 1. **Permitted disbursements.** An independent expenditure political committee or fund, or a ballot question political committee or fund, may:

- (1) pay costs associated with its fund-raising and general operations;
- (2) pay for communications that do not constitute contributions or approved expenditures;
- (3) make contributions to independent expenditure or ballot question political committees or funds;
- (4) make independent expenditures;
- (5) make expenditures to promote or defeat ballot questions;
- (6) return a contribution to its source;
- (7) for a political fund, record bookkeeping entries transferring the association's general treasury money allocated for political purposes back to the general treasury of the association; and
- (8) for a political fund, return general treasury money transferred to a separate depository to the general depository of the association.

Subd. 2. **Penalty.** (a) An independent expenditure political committee or independent expenditure political fund is subject to a civil penalty of up to four times the amount of the contribution or approved expenditure if it does the following:

- (1) makes a contribution to a candidate, party unit, political committee, or political fund other than an independent expenditure political committee or an independent expenditure political fund; or
  - (2) makes an approved expenditure.
- (b) No other penalty provided in law may be imposed for conduct that is subject to a civil penalty under this section.

## **10A.20 CAMPAIGN REPORTS**

Subd 1. **First filing; duration.** (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must begin to file the reports required by this section for the first year it receives contributions or makes expenditures that require it to register under section 10A.14 and must continue to file until the committee, fund, or party unit is terminated.

(b) If, on or before the last date included in a reporting period, a political committee, political fund, principal campaign committee, or party unit received contributions or made expenditures that would require it to register under section 10A.14, the political committee, political fund, principal campaign committee, or party unit must both register with the board under section 10A.14 and report under this section by the date that the report for that reporting period is due.

(c) The reports must be filed electronically in a standards-based open format specified by the board. For good cause shown, the board must grant exemptions to the requirement that reports be filed electronically.

Subd. 1b. **Release of reports.** Except as provided in subdivision 1c, a report filed under this section is nonpublic data until 8:00 a.m. on the day following the day the report was due.

Subd. 2. **Time for filing.** (a) The reports must be filed with the board on or before January 31 of each year and additional reports must be filed as required and in accordance with paragraphs (b) to (f).

(b) In each year in which the name of a candidate for legislative or district court judicial office is on the ballot, the report of the principal campaign committee must be filed 15 days before a primary election and ten days before a general election, seven days before a special primary election and seven days before a special general election, and ten days after a special election cycle.

(c) In each general election year, a political committee, a political fund, a state party committee, and a party unit established by all or a part of the party organization within a house of the legislature must file reports on the following schedule:

- (1) a first-quarter report covering the calendar year through March 31, which is due April 14;
- (2) a report covering the calendar year through May 31, which is due June 14;
- (3) a pre-primary-election report due 15 days before a primary election;
- (4) a pre-general-election report due 42 days before the general election; and
- (5) a pre-general-election report due ten days before a general election.

(d) In each general election year, a party unit not included in paragraph (c) must file reports 15 days before a primary election and ten days before a general election.

(e) In each year in which a constitutional office or appellate court judicial seat is on the ballot, the principal campaign committee of a candidate for that office or seat must file reports on the following schedule:

- (1) a first-quarter report covering the calendar year through March 31, which is due April 14;
- (2) a report covering the calendar year through May 31, which is due June 14;
- (3) a pre-primary-election report due 15 days before a primary election;
- (4) a pre-general-election report due 42 days before the general election;
- (5) a pre-general-election report due ten days before a general election; and
- (6) for a special election, a constitutional office candidate whose name is on the ballot must file reports seven days before a special primary election, seven days before a special general election, and ten days after a special election cycle.

(f) Notwithstanding paragraphs (a) to (e):

- (1) the principal campaign committee of a candidate who did not file for office is not required to file the report due June 14, the report due 15 days before the primary election, or the report due seven days before a special primary election; and

(2) the principal campaign committee of a candidate whose name will not be on the general election ballot is not required to file the report due 42 days before the general election, the report due ten days before a general election, or the report due seven days before a special general election.

Subd. 3. **Contents of report.** (a) The report required by this section must include each of the items listed in paragraphs (b) to (o) that are applicable to the filer. The board shall prescribe forms based on filer type indicating which of those items must be included on the filer's report.

(b) The report must disclose the amount of liquid assets on hand at the beginning of the reporting period.

(c) The report must disclose the name, address, employer, or occupation if self-employed, and registration number if registered with the board, of each individual or association that has made one or more contributions to the reporting entity, including the purchase of tickets for a fund-raising effort, that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions, together with the amount and date of each contribution, and the aggregate amount of contributions within the year from each source so disclosed. A donation in kind must be disclosed at its fair market value. An approved expenditure must be listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors must be listed in alphabetical order. Contributions from the same contributor must be listed under the same name. When a contribution received from a contributor in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds the disclosure threshold of this paragraph, the name, address, and employer, or occupation if self-employed, of the contributor must then be listed on the report.

(d) The report must disclose the sum of contributions to the reporting entity during the reporting period.

(e) The report must disclose each loan made or received by the reporting entity within the year in aggregate in excess of \$200, continuously reported until repaid or forgiven, together with the name, address, occupation, principal place of business, if any, and registration number if registered with the board of the lender and any endorser and the date and amount of the loan. If a loan made to the principal campaign committee of a candidate is forgiven or is repaid by an entity other than that principal campaign committee, it must be reported as a contribution for the year in which the loan was made.

(f) The report must disclose each receipt over \$200 during the reporting period not otherwise listed under paragraphs (c) to (e).

(g) The report must disclose the sum of all receipts of the reporting entity during the reporting period.

(h) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom aggregate expenditures, approved expenditures, independent expenditures, and ballot question expenditures have been made by or on behalf of the reporting entity within the year in excess of \$200, together with the amount, date, and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the

ballot question that the expenditure was intended to promote or defeat and an indication of whether the expenditure was to promote or to defeat the ballot question, and in the case of independent expenditures made in opposition to a candidate, the candidate's name, address, and office sought. A reporting entity making an expenditure on behalf of more than one candidate for state or legislative office must allocate the expenditure among the candidates on a reasonable cost basis and report the allocation for each candidate.

(i) The report must disclose the sum of all expenditures made by or on behalf of the reporting entity during the reporting period.

(j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven. If an advance of credit incurred by the principal campaign committee of a candidate is forgiven by the creditor or paid by an entity other than that principal campaign committee, it must be reported as a donation in kind for the year in which the advance of credit was made.

(k) The report must disclose the name, address, and registration number if registered with the board of each political committee, political fund, principal campaign committee, or party unit to which contributions have been made that aggregate in excess of \$200 within the year and the amount and date of each contribution.

(l) The report must disclose the sum of all contributions made by the reporting entity during the reporting period.

(m) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom noncampaign disbursements have been made that aggregate in excess of \$200 within the year by or on behalf of the reporting entity and the amount, date, and purpose of each noncampaign disbursement.

(n) The report must disclose the sum of all noncampaign disbursements made within the year by or on behalf of the reporting entity.

(o) The report must disclose the name and address of a nonprofit corporation that provides administrative assistance to a political committee or political fund as authorized by section [211B.15, subdivision 17](#), the type of administrative assistance provided, and the aggregate fair market value of each type of assistance provided to the political committee or political fund during the reporting period.

Subd. 4. **Period of Report.** A report must cover the period from January 1 of the reporting year to seven days before the filing date, except that the report due on January 31 must cover the period from January 1 to December 31 of the reporting year.

Subd. 5. **Pre-election reports.** (a) Any loan, contribution, or contributions:

(1) to a political committee or political fund from any one source totaling more than \$1,000;

(2) to the principal campaign committee of a candidate for an appellate court judicial office totaling more than \$2,000;

(3) to the principal campaign committee of a candidate for district court judge totaling more than \$400; or

(4) to the principal campaign committee of a candidate for constitutional office or for the legislature totaling more than 50 percent of the election segment contribution limit for the office, received between the last day covered in the last report before an election and the election must be reported to the board in the manner provided in paragraph (b).

(b) A loan, contribution, or contributions required to be reported to the board under paragraph (a) must be reported to the board either:

(1) in person by the end of the next business day after its receipt; or

(2) by electronic means sent within 24 hours after its receipt.

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

(d) This notice requirement does not apply in a primary election to a candidate who is unopposed in the primary, in a primary election to a ballot question political committee or fund, or in a general election to a candidate whose name is not on the general election ballot. The board must post the report on its Web site by the end of the next business day after it is received.

(e) This subdivision does not apply to a ballot question or independent expenditure political committee or fund that has not met the registration threshold of section [10A.14, subdivision 1a](#). However, if a contribution that would be subject to this section triggers the registration requirement in section [10A.14, subdivision 1a](#), then both registration under that section and reporting under this section are required.

Subd. 6. **Report when no Committee.** (a) A candidate who does not designate and cause to be formed a principal campaign committee and who makes campaign expenditures in aggregate in excess of \$750 in a year must file with the board a report containing the information required by subdivision 3. Reports required by this subdivision must be filed by the dates on which reports by principal campaign committees must be filed.

(b) An individual who makes independent expenditures that aggregate more than \$1,500 in a calendar year or expenditures to promote or defeat a ballot question that aggregate more than \$5,000 in a calendar year must file with the board a report containing the information required by subdivision 3. A report required by this subdivision must be filed by the date on which the next report by political committees and political funds must be filed.

Subd. 6a. **Statement of Independence.** An individual, political committee, political fund, or party unit filing a report or statement disclosing an independent expenditure under subdivision 3 or 6 must file with the report a sworn statement that the disclosed expenditures were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate or any candidate's principal campaign committee or agent.

Subd 15. **Equitable Relief.** A candidate whose opponent does not timely file the report due 15 days before the primary, the report due ten days before the general election, or the notice required under section [10A.25, subdivision 10](#), may petition the district court for immediate equitable relief to enforce the filing requirement. A prevailing party under this subdivision may be awarded attorney fees and costs by the court.

## 10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION

Subd. 1. **Contributions during legislative session.** (a) A candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature must not solicit or accept a contribution from a registered lobbyist, political committee, political fund, or an association not registered with the board, during a regular session of the legislature.

(b) A registered lobbyist, political committee, political fund, or an association not registered with the board must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.

Subd. 3. **Definition.** For purposes of this section, a "regular session" includes the entire first day and the entire last day of each annual session. For purposes of this section, regular session does not include a special session or the interim between the two annual sessions of a biennium.

Subd. 4. **Civil penalty.** A candidate, political committee, party unit, political fund, an association not registered with the board, or a registered lobbyist that violates this section is subject to a civil penalty imposed by the board of up to \$1,000. If the board makes a public finding that there is probable cause to believe a violation of this section has occurred, the board may bring an action, or transmit the finding to a county attorney who must bring an action, in the District Court of Ramsey County, to collect a civil penalty as imposed by the board. Penalties paid under this section must be deposited in the general fund in the state treasury.

Subd. 5. **Special Election.** This section does not apply in a legislative special election during the period beginning when the person becomes a candidate in the special election and ending on the day of the special election.

## 10A.31 DESIGNATION OF INCOME TAX PAYMENTS

Subd. 3a. **Qualification of political parties.** (a) A major political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a major political party by July 1 of the taxable year.

(b) A minor political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a minor party statewide by July 1 of the taxable year.

(c) The secretary of state shall notify each major and minor political party by the first Monday in January of each odd-numbered year of the conditions necessary for the party to participate in income tax form and property tax refund return programs.

(d) The secretary of state shall notify each political party, the commissioner of revenue, and the Campaign Finance and Public Disclosure Board by July 1 of each year and following certification of the results of each general election of the political parties that qualify for inclusion on the income tax form and property tax refund return as provided in subdivision 3.

Subd. 7a. **Withholding of public subsidy.** If a candidate who is eligible for payment of public subsidy under this section has not filed the report of receipts and expenditures required under section [10A.20](#) before a primary election, any public subsidy for which that candidate is eligible must be withheld by the board until the candidate complies with the filing requirements of section [10A.20](#) and the board has sufficient time to review or audit the report. If a candidate who is eligible for public subsidy does not file the report due before the primary election under section [10A.20](#) by the date that the report of receipts and expenditures filed before the general election is due, that candidate shall not be paid public subsidy for that election.

### **10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS**

(a) This section applies to a campaign advertisement by a candidate who is governed by an agreement under section [10A.322](#).

(b) "Campaign advertisement" means a professionally produced visual or audio recording of two minutes or less produced by the candidate for the purpose of influencing the nomination or election of a candidate.

(c) A campaign advertisement that is disseminated as an advertisement by broadcast or cable television must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement that is disseminated as an advertisement to the public on the candidate's Web site must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has posted on the Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement must not be disseminated as an advertisement by radio unless the candidate has posted on the candidate's Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so.

### **160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS**

Subd. 1. **Public notices.** With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city streets.

Subd. 6. **Removal of unauthorized advertisements, buildings, or structure.** The road authorities may take down, remove, or destroy any advertisement, building, or structure in or upon any highway in violation of this section and section [160.2715](#).

### **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS**

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) obstruct any highway or deposit snow or ice thereon;

(9) place or maintain any advertisement within the limits of any highway, except as provided in section [160.27, subdivision 7](#);

(10) paint, print, place, or affix any advertisement or any object within the limits of any highway except as provided in section [160.27, subdivision 7](#);

(11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;

(b) Any violation of this subdivision is a misdemeanor.

## 200.02 DEFINITIONS

Subd. 6. **Political Party.** “Political party” means an association of individuals under whose name a candidate files for partisan office.

Subd. 7. **Major political party.** (a) “Major political party” means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) “Major political party” also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor, and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) “Major political party” also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition is filed.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

Subd. 23. **Minor political party.** (a) “Minor political party” means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

(3) who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the

preceding state general election for that legislative office. A signature is valid only if signed no more than one year prior to the date the petition was filed.

### **204C.035 DECEPTIVE PRACTICES IN ELECTIONS**

- Subdivision 1. **Criminal penalty.** No person shall knowingly deceive another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election, with the intent to prevent the individual from voting in the election. A violation of this section is a gross misdemeanor.
- Subdivision 2. **Reporting false election information.** Any person may report to the county auditor or municipal clerk an act of deception regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election. The election official to whom the report was made shall provide accurate information to the person who reported the incorrect information in a timely manner, and may provide information about the act of deception and accurate information to mass media outlets in any affected area. The county attorney may subsequently proceed under subdivision 1.

### **204C.06 CONDUCT IN AND NEAR POLLING PLACES**

- Subd. 1. **Persons allowed near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote or an individual who is conducting exit polling shall stand within 100 feet of the building in which a polling place is located. "Exit polling" is defined as approaching voters in a predetermined pattern as they leave the polling place after they have voted and asking voters to fill out an anonymous, written questionnaire.
- Subd. 2. **Individuals allowed in polling place.** (a) Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a disabled voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.
- (b) Teachers and elementary or secondary school students participating in an educational activity authorized by section [204B.27, subdivision 7](#), may be present at the polling place during voting hours.
- Subd. 3. **Damaging or removing election materials; gross misdemeanor.** No individual shall intentionally:
- (a) tear down, mutilate, deface or otherwise damage during the hours of voting any voter instruction poster placed inside or outside of a polling place by an election judge or other election official; or

(b) remove from the polling place before the time for voting ends any ballots prepared for use at the election or any supplies or conveniences placed in voting booths for use by the voters, except as authorized by law.

A violation of this subdivision is a gross misdemeanor.

Subd. 4. **Damaging or removing election materials; felony.** No individual shall intentionally:

(a) remove from a polling place any election file or election register, except as authorized by law;

(b) damage, deface, or mutilate any ballot, election file or election register or any item of information contained on it, except as authorized by law; or

(c) add anything to a ballot, election file, or election register, except as authorized by law.

A violation of this subdivision is a felony.

Subd. 7. **Use of intoxicating liquor; prohibition; penalty.** During the time an election is being held it is a misdemeanor to bring intoxicating liquor or 3.2 percent malt liquor into in a polling place, to drink intoxicating liquor or 3.2 percent malt liquor in a polling place, or to be intoxicated in a polling place. The election judges shall not permit an obviously intoxicated individual to vote or remain in the polling place for any purpose.

#### 204C.06 NOTES AND DECISIONS

Statutory violations in the conduct of elections do not of themselves invalidate an election. *Munnell v. Rowlette*, 275 Minn. 92, 145 N.W. 2d (1966).

Former section 204A.37 limited who may be in a polling place while the polls are open. Former section 204A.40 applies after the polls close. Op. Atty. Gen. 182A-5, November 20, 1964. See sections M.S. 204C.07, 204C.19 and 204C.21.

Standing in line by non-voters and the abuse of the right to challenge voters constitute gross misdemeanors under Minnesota law. Op. Atty. Gen. 182, October 26, 1964.

Section applies to village and town elections. Op. Atty. Gen. 490C, November 19, 1954.

When polling place is held in town garage building, coffee socials may not be held within same building. Op. Atty. Gen. 672M, May 10, 1954.

It was not permissible for one of the judges of election on election day to take ballot from polling place to home of sick or disabled person, permit such person to mark it and then return to polling place and cast it in name of such person. Op. Atty. Gen. 28C-1, November 27, 1935.

#### 204C.35 FEDERAL, STATE, AND JUDICIAL RACES

Subd. 1. **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, or district judicial office is less than one-quarter 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; 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 5:00 p.m. on the second day 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, or district judicial office and the votes of any other candidate for that office is less than one-quarter of one percent of the total number of votes counted for that office or 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 5:00 p.m. on the second day 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.

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for

the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section [204C.32](#).

(d) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(e) The results of the recount must be certified by the canvassing board as soon as possible.

(f) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(g) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section [206.89, subdivision 4](#), the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section [206.86, subdivision 5](#), are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter [209](#).

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.

#### 204C.35 NOTES AND DECISIONS

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been rejected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009). (However, see Laws 2013, section [203B.121, subd. 2 \(e\)](#) which prohibits rejected absentee ballots from being opened or reviewed except in an election contest).

A manual administrative recount, which is necessary when the margin of victory in an election is less than one-half of one percent, is intended to ensure that the votes cast in the election were accurately counted. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

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

Subd. 1. **Publicly funded recounts.** (a) Except as provided in 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-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-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.

(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.

(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 by 5:00 p.m. on the fifth day after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

(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.

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

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section [204C.32](#).

(d) The results of the recount must be certified by the canvassing board as soon as possible.

(e) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(f) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section [206.89, subdivision 4](#), the cost of the recount must be paid by the jurisdiction conducting the recount.

- Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.
- Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.
- Subd. 5. **Notice of contest.** Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

Subd. 6. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

## 209.02 CONTESTANT; GROUNDS

Subd. 1. **General.** Any eligible voter, including a candidate, may contest in the manner provided in this chapter:

(1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or

(2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

### 209.02 NOTES AND DECISIONS

Judicial election could not be set aside solely on basis of judicial code violations. *Burns v. Valen*, 400 N.W. 2d 123 (Minn. Ct. App. 1987).

## 209.021 NOTICE OF CONTEST

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

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## Online Campaign Finance Forms

Accessible and fillable versions of the following  
campaign finance forms can be found at:

[www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/)

# CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation \_\_\_\_\_

Office sought or ballot question \_\_\_\_\_ District \_\_\_\_\_

Type of report \_\_\_\_\_ Candidate report  
 \_\_\_\_\_ Campaign committee report  
 \_\_\_\_\_ Association or corporation report  
 \_\_\_\_\_ Final report

Period of time covered by report:  
 from \_\_\_\_\_ to \_\_\_\_\_

## CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ \_\_\_\_\_ TOTAL CASH-ON-HAND \$ \_\_\_\_\_  
 IN-KIND + \$ \_\_\_\_\_  
 TOTAL AMOUNT RECEIVED = \$ \_\_\_\_\_

## DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
<b>TOTAL</b>		

## CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description \_\_\_\_\_

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
<b>TOTAL</b>			

I certify that this is a full and true statement. \_\_\_\_\_

Signature

Date

Printed Name \_\_\_\_\_ Telephone \_\_\_\_\_ Email (if available) \_\_\_\_\_

Address \_\_\_\_\_

Report

Office

Name

For Office Use Only:

## INSTRUCTIONS

(Reference: Minnesota Statutes, Chapters [211A](#) and [211B](#))

This CAMPAIGN FINANCIAL REPORT is for use by candidates and committees for county, municipal, school district and special district office who receive contributions or make disbursements of more than \$750 in a calendar year; committees or corporations spending more than \$750 for or against a ballot question in a calendar year; and corporations spending more than \$200 on activities to encourage participation in precinct caucuses, voter registration or voting.

### Where to file this report:

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor

**Candidate or committee report:** The initial report must be filed within 14 days after the candidate or committee receives contributions or makes disbursements of more than \$750 in a calendar year. Subsequent reports must be filed:

**During an Election Year** - An "election year" is any year in which the candidate's name or a question appears on the ballot.

In such a year (if an initial report has been filed) reports are required to be filed:

- 10 days before the primary or special primary
- 10 days before the general election or special election
- 30 days after a general election or special election
- By January 31 of each year following the year when the initial report was filed.

**During a non-election year** - By January 31 of each year following the year when the initial report was filed.

**Once a final report\* is filed, no further subsequent reports are required to be filed.**

**CONTRIBUTIONS:** Means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual. **Each candidate or committee must list the total amount of cash-on-hand designated to be used for political purposes as of the close of the reporting period.**

**CONTRIBUTION LIMITS:** Candidates or candidate's committees for county, municipal, school district offices may not accept aggregate contributions in excess of \$600 in an election year or in excess of \$250 in a non-election year made or delivered by an individual or committee. However, candidates seeking election from districts with a population in excess of 100,000 may not accept aggregate contributions in excess of \$1,000 in an election year and \$250 in a non-election year.

**BALLOT QUESTIONS:** Any political committee, association or corporation that makes a contribution or expenditure to promote or defeat a ballot question as defined in Minnesota Statutes, section [211A.01](#) shall file reports with the filing officer responsible for placing the question on the ballot. Reports must be filed within 14 days of receiving contributions or making disbursements of more than \$750 in one calendar year, using the same schedule as above.

**CONGRESSIONAL CANDIDATES:** Candidates for election to the United States House of Representatives and Senate and any committee raising funds exclusively on behalf of any one of those candidates may file copies of the reports required by federal law in lieu of those required by Minnesota Statutes Chapter [211A](#).

**CORPORATE ACTIVITIES TO ENCOURAGE PARTICIPATION:** Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote if the projects are not controlled by or operated for the advantage of a candidate, political party or committee. The total amount of expenditures or contributions for any one project greater than \$200, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures must be reported. Reports must be filed with the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299, using the same schedule as above.

**\*FINAL REPORT:** A final report may be filed any time after the candidate, committee or corporation has settled all debts and disposed of all assets in excess of \$100 in the aggregate. Check final report under "type of report".

**PROHIBITED TRANSFERS:** Candidates for county, municipal, school district or special district offices may not accept contributions from the principal campaign committees of any candidate for legislative, judicial or state constitutional office. In addition, a candidate may not make contributions to the principal campaign committee of any candidate for legislative, judicial or state constitutional office unless the contributions are made from the candidate's personal funds.

**STATE CANDIDATES:** Candidates and committees for state constitutional offices, the state legislature, supreme court, court of appeals, district court and committees for state constitutional amendments are governed by Minnesota Statutes Chapter [10A](#). Contact the State [Campaign Finance and Public Disclosure Board](#) for further information at (651) 539-1180.

**Note:** The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Office of the Minnesota Secretary of State

**CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING**

**Instructions**

Each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by Minnesota Statutes [211A.02](#) have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer not later than seven days after the general or special election. (Minnesota Statutes [211A.05, subdivision 1](#)).

**Campaign Information**

Name of candidate or committee \_\_\_\_\_

Office sought by candidate (if applicable) \_\_\_\_\_

Identification of ballot question (if applicable) \_\_\_\_\_

**Certification**

Select the appropriate choice below, and sign:

I do swear (or affirm) that all campaign financial reports required by Minnesota Statutes [211A.02](#) have been submitted to the filing officer.

I do swear (or affirm) that campaign contributions or disbursements did not exceed \$750 in the calendar year.

Signature of candidate or committee treasurer \_\_\_\_\_

Date \_\_\_\_\_



Minnesota Department of Transportation

395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

March 27, 2014

TO CANDIDATES FOR PUBLIC OFFICE

This letter is to remind you that state law prohibits the placement, painting, printing or affixing of advertisements on any object within the limits of any highway in Minnesota. This prohibition in Minnesota Statutes, section 160.27, applies to political campaign signs as well as to all other forms of advertising. The law applies to all state, county, city and township roads and highways.

In addition, the Minnesota Outdoor Advertising Control Act (Minnesota Statutes, section 173.15) prohibits erecting advertising devices:

- On private land without the consent of the owner or occupant;
- On public utility poles;
- On trees or shrubs; and
- By painting or drawing on rocks or natural features.

The Federal Highway Administration office in Minnesota monitors Minnesota's compliance with federal highway beautification laws. State transportation employees are responsible for administering these laws on state highways and must remove signs that violate the laws. County, city and township employees administer these laws on their roads.

Since political campaign workers may not be familiar with the laws, please distribute this information to those who place signs on your behalf. Local Mn/DOT offices should be contacted for assistance when signs are being placed where the specific highway right-of-way cannot be clearly identified. When improperly placed signs are removed by Mn/DOT employees, every effort will be made to temporarily store the sign and notify the candidate so that the signs can be retrieved by the candidate or the candidate's workers.

I sincerely request your cooperation in ensuring your campaign workers are aware of these laws. Mn/DOT employees will make every effort to be fair and impartial in administering the law so that all advertisers can expect equal treatment under this law.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles A. Zelle".

Charles A. Zelle  
Commissioner



## NOTICE

### TO CANDIDATES FOR PUBLIC OFFICE REGARDING SIGN ORDINANCE PROVISIONS

Candidates for public office are hereby notified of City of Brooklyn Center sign ordinance provisions which may relate to the conduct of their election campaigns within Brooklyn Center.

Section 34-140.2.f provides that:

**PORTABLE AND FREESTANDING POLITICAL SIGNS** may be erected without a sign permit for a period of not more than sixty (60) days before and ten (10) days after an election provided no one sign is greater than sixteen (16) square feet in area, except that there shall be no limitation on the size of campaign or other noncommercial signs during the period from **forty-six (46) days before the state primary in a state general election year until ten (10) days following the state general election**. Freestanding campaign signs may be installed only upon private property with the permission of the property owner who shall be responsible for removal thereof. The candidate whose candidacy is promoted by an improperly placed or otherwise illegal campaign sign shall be held responsible therefor. Signs must be at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and outside of the sight triangle defined in Section 35-560 (see definition below).

Sign posters that are tacked or posted on trees, fences, utility poles, or other such supports are prohibited.

**Section 35-560. VISIBILITY AT INTERSECTIONS.** In order to preserve and promote the public safety, nothing shall be erected, placed, planted, maintained, or allowed to grow on a corner lot in any district in such a manner as materially to impede vision between a height of two and one-half feet and 10 feet above the centerline grades of the intersection streets in the triangle bounded by the property lines of such corner lot and a straight line joining points on such property lines 25 feet from their intersection of the property lines.

It is respectfully requested that candidates and their supporters observe these laws.

Sharon Knutson, MMC  
City Clerk

6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430-2199  
[www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org)

(763)-569-3300  
FAX (763) 569-3494

## MINNESOTA SECRETARY OF STATE VOTER INFORMATION REQUEST FORM

The use of voter registration information for purposes unrelated to elections, political activities or law enforcement is a violation of Minnesota law (M.S. 201.091).

<b>Voter Information</b>	<b>Enter your name as it would appear on your voter record.</b>				
	Name <input style="width: 90%;" type="text"/>				
	Address <input style="width: 90%;" type="text"/>				
	City <input style="width: 30%;" type="text"/>	State <input style="width: 10%; text-align: center; border: 1px solid black;"/> MN	Zip Code <input style="width: 30%;" type="text"/>		
	email <input style="width: 60%;" type="text"/>		Phone <input style="width: 30%;" type="text"/>		

<b>Order(s)</b>	<b>Order #1 (Make selections below)</b>	
*Text files require specific software to use. See page #2 for more information.	Jurisdiction Type: <input style="width: 80%;" type="text"/>	Jurisdiction Name: (if not statewide) <input style="width: 80%;" type="text"/>
	Report Type: (Statewide reports are available in text format only) <input style="width: 95%;" type="text"/>	
	If requesting information for a Specific Election, enter election date and type of election below <input style="width: 95%;" type="text"/>	
	<b>Order #2 - Optional (Make selections below)</b>	
	Jurisdiction Type: <input style="width: 80%;" type="text"/>	Jurisdiction Name: (if not statewide) <input style="width: 80%;" type="text"/>
	Report Type: (Statewide reports are available in text format only) <input style="width: 95%;" type="text"/>	
	If requesting information for a Specific Election, enter election date and type of election below <input style="width: 95%;" type="text"/>	

<b>Delivery</b>	<b>Enter delivery information below. (Shipped orders will be sent via <b>UPS Ground Service</b>)</b>	
	<input type="radio"/> I will pick my order up at the:	<input type="radio"/> *Ship my order to: (*include \$5 shipping cost)
	<input type="checkbox"/> Same as Residential Address	
	<b>Retirement Systems of Minnesota Building</b> 60 Empire Drive, Suite #100 Saint Paul, MN 55103	Name <input style="width: 80%;" type="text"/> Address <input style="width: 80%;" type="text"/> City <input style="width: 80%;" type="text"/> State <input style="width: 10%;" type="text"/> Zip Code <input style="width: 10%;" type="text"/>

<b>Payment</b>	<b>Enter payment information below.</b>	
	Payment Type: <input style="width: 80%;" type="text"/>	Mail order and payment to: <b>Office of the Secretary of State</b> <b>Voter Registration Lists</b> 60 Empire Dr Suite 100 Saint Paul, MN 55103
	Order Total: (\$) <input style="width: 15%;" type="text"/> + Shipping: <input style="width: 15%;" type="text"/> = Amount Included: <input style="width: 15%; text-align: center; border: 1px solid black;"/> \$ 0.00	(Do not mail cash)

<b>Certification</b>	<b>Certify your request. Type your initials in the box below to the left, enter date, <b>print and sign.</b></b>	
	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/> I CERTIFY THAT I AM A REGISTERED VOTER IN THE STATE OF MINNESOTA AND THAT THE INFORMATION IN THIS LIST OF REGISTERED VOTERS WILL BE USED ONLY FOR PURPOSES RELATED TO ELECTIONS, POLITICAL ACTIVITIES, OR LAW ENFORCEMENT (M.S. 201.091).	
	SIGNATURE: _____	Date: _____

<b>Official Use Only</b>	Date Rec'd by Fiscal <input style="width: 80%;" type="text"/>	Date Rec'd by Med Prod <input style="width: 80%;" type="text"/>	Client Act # <input style="width: 80%;" type="text"/>	Amount Paid <input style="width: 80%;" type="text"/>	Work Order # <input style="width: 80%;" type="text"/>
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## Minnesota Secretary of State Voter Information List Request

Voter information is available only to **registered Minnesota voters** and must be used for purposes related to elections, political activities or law enforcement pursuant to **M.S. 201.091 Subd. 5**. All other requests will be rejected and money refunded after 60 business days.

### Reports

Voter Information List reports are available on CD-ROM **only**. Reports can be requested as **text (.txt)** or **Adobe (.pdf)** file types.

#### Text (.txt) - editable and can be reorganized, sorted, or filtered

The **text** files are parsed and in comma delimited format with field headings in the first line. Users will need application software, **not supplied or supported by the Office of the Secretary of State**, to access this data.

#### Adobe (.pdf) - not editable and cannot be reorganized, sorted, or filtered

The **.pdf** files are static documents in a printer friendly format and require free .pdf reader software available at <http://get.adobe.com/reader/>.

The table below indicates what information is included on each report type.

Report Overview		Information Contained in Report														
		Name	Address	Voter ID	Legacy ID	Phone	Birth Year	Election Date	Election Description	Election Type	Voting Method	Precinct Code	District Codes	County	.PDF Format	Comma-Delimited
Report Types	Detailed History	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Summary History	X	X	X	X	X	X	X		X		X		X	X	X
	Voter Mailing Labels*	X	X												X	X
	Household Mailing Labels*	(1)	X												X	X
	Walking List	X	X			X	X	X		X					X	X

\* All **.pdf** mailing label reports are formatted to print on **AVERY 5160 (or similar)** label sheets. These sheets contain 3 labels across and 10 labels down per page.

(1) *Household Mailing Labels* include one label for every residential address where there is at least one registered voter. All labels are addressed to "Registered Voters."

When requesting your voter information you must specify the exact information needed and confirm the request prior to submitting your order. (e.g. *Itasca County, Mahnomon County Commissioner District #3, South St. Paul Schools ISD #6, Little Falls Ward 1*). Report samples can be found here: <http://www.sos.state.mn.us/index.aspx?page=893>

### Pricing

Request Type	Report Cost	Shipping Method	Shipping Cost	Payment Method*	Payable To:	Payment Address:
Single Jurisdiction	\$30 per Report	UPS Ground	\$5 per Order	Check, Money Order, or Cash (at the counter)	Secretary of State	Office of the Secretary of State Voter Registration Lists
Statewide	\$46 per Report	UPS Ground	\$5 per Order	Check, Money Order, or Cash (at the counter)	Secretary of State	60 Empire Dr Suite 100 St. Paul, MN 55103

### Payment

\*Correct payment amount **must** accompany any request for information. Cash payments are accepted at the counter only. Please do not send cash in the mail. **Online ordering and credit card payments are currently not accepted at this time.**

### Questions?

Please refer to the <b>Frequently Asked Questions</b> section of our website for more information.	Additional assistance can be found by submitting an <b>Ask a Question</b> form online.	You can also contact us via phone or email: - (651) 215-1440 - <a href="mailto:listrequest.sos@state.mn.us">listrequest.sos@state.mn.us</a>
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MINNESOTA SECRETARY OF STATE  
PRECINCT FINDER & POLLING PLACE LIST REQUEST

NAME \_\_\_\_\_ DAY PHONE (\_\_\_\_) \_\_\_\_\_ EMAIL \_\_\_\_\_

RESIDENTIAL ADDRESS: (No P.O. Boxes) \_\_\_\_\_

CITY \_\_\_\_\_

STATE/ZIP \_\_\_\_\_

MAIL ADDRESS (if different then residential address- (No P.O. Boxes) \_\_\_\_\_

MAIL CITY, STATE & ZIP \_\_\_\_\_

WILL PICK UP (60 Empire Drive, St Paul MN 55103)  PLEASE MAIL (Include an additional \$5.00 for mailing fees)

**PRECINCT FINDER**

Please check only one of the following options and provide one jurisdiction name (excluding Statewide):

- Additional jurisdictions may be purchased by completing additional order forms.

\_\_\_ Statewide (CD-ROM – DATA FILE ONLY)

\_\_\_ County \_\_\_\_\_

\_\_\_ City or Township \_\_\_\_\_

\_\_\_ School District \_\_\_\_\_

\_\_\_ Other \_\_\_\_\_

Please check one of the formatting options listed below:

\_\_\_ CD-ROM – PDF PRECINCT FINDER REPORT FOR PRINTING

- The report is generated in PDF format and ready for printing.
- An example of this PDF file is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

\_\_\_ CD-ROM – DATA FILE PRECINCT FINDER IN COMMA DELIMITED TEXT FORMAT

- Files are parsed and in comma delimited format with field headings in the first line.
- Users will need application software (e.g. Microsoft Excel or Microsoft Access), not supplied by the Secretary of State, to access this data.
- An example of this data file is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

The precinct finder contains voting districts by street name and house number ranges within a city/township of a county. Voting districts include precinct, ward, MCD code, county number, congressional, legislative, state senate, judicial, county commissioner, city/township, school district and county determined special districts.

**POLLING PLACE LIST FOR ELECTION**

Please check one of the following options and provide the jurisdiction name (excluding Statewide):

Specify Election Name & Date \_\_\_\_\_

\_\_\_ Statewide (CD-ROM – DATA FILE ONLY)

\_\_\_ Countywide for County \_\_\_\_\_

Please check one of the formatting options listed below:

\_\_\_ CD-ROM – PDF POLLING PLACE LIST FOR ELECTION

- The report is generated in PDF format and ready for printing.
- An example of this PDF file is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

\_\_\_ CD-ROM – DATA FILE POLLING PLACE LIST FOR ELECTION IN COMMA DELIMITED TEXT FORMAT

- Files are parsed and in comma delimited format with field headings in the first line.
- Users will need application software (e.g. Microsoft Excel or Microsoft Access), not supplied by the Secretary of State, to access this data.
- An example of this data file is available at [www.sos.state.mn.us](http://www.sos.state.mn.us).

The polling place list contains a record for each precinct in the state. The record has the county name (CD ROM contains County number only), the state-assigned precinct number, precinct name, polling place status and type, polling place address, MCD code, ward #, commissioner district, legislative district, congressional district, polling place description and number.

Date Rec'd by Fiscal	Date Rec'd by Med Prod	Client Act #	Amount Paid	Work Order #
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MINNESOTA SECRETARY OF STATE  
**PRECINCT FINDER & POLLING PLACE LIST PRICES**

The following prices are for the purchase of CD-ROM Precinct Finder Data File/Polling Place List for Election from the Office of the Secretary of State. **Full payment is due at the time of request.** If you have questions, please contact the Office of the Secretary of State at (651) 215-1440.

**CD-ROM – PDF PRECINCT FINDER REPORT FOR PRINTING**

All other jurisdictions \$30.00

**CD ROM – PRECINCT FINDER DATA FILE IN COMMA DELIMITED TEXT FORMAT**

Statewide List \$46.00

All other jurisdictions \$30.00

Files are parsed and comma delimited, with field headings in the first line.

User will need application software (e.g. Microsoft Excel or Microsoft Access), not supplied by the Secretary of State, to access this data.

**CD ROM – PDF POLLING PLACE LIST FOR ELECTION REPORT FOR PRINTING**

All other jurisdictions \$30.00

- **Precinct Finder** – a list of house and unit ranges within a street address which contains precinct code name, city, zip, county, voting district information and range ID.
- **Polling place list by Election** - contains a record for each precinct in the state which includes precinct code name, polling place status, polling place name and address, type, county code and polling place district information.

**CD ROM – POLLING PLACE LIST FOR ELECTION DATA FILE IN COMMA DELIMITED TEXT FORMAT**

Statewide \$46.00

All other jurisdictions \$30.00

Files are parsed and in comma delimited format with field headings in the first line.

User will need application software (e.g. Microsoft Excel, Microsoft Access), not supplied by the Secretary of State, to access this data.

**Mailing Costs**

All orders will be sent UPS at a cost of \$5.00.

**Please mail your request and fee (make checks payable to 'Secretary of State') to:**

Office of the Secretary of State  
Voter Registration Lists  
60 Empire Dr Suite 100  
Saint Paul, MN 55103

This document can be made available in alternative formats, such as large print, Braille or audio tape, by calling (651) 201-1339, or on our Web site at [www.sos.state.mn.us](http://www.sos.state.mn.us). For TTY communication, contact the Minnesota Relay Service at 1-800-627-3529 and ask them to place a call to (651) 201-1339. The Secretary of State's Office does not discriminate on the basis of race, creed, color, sex, sexual orientation, national origin, age, marital status, disability, and religion, reliance on public assistance or political opinions or affiliations in employment or the provision of services.

**Office of the Minnesota Secretary of State  
Map Order Form**

**Contact Information**

Name

Address

City, State and Zip Code

Phone or email

- Order will be picked up from State Office Building
- Ship to address above via UPS Ground (\$3.50)

**Available Maps**

Maps usually include congressional district, legislative district, county, city, township, and precinct boundaries, and physical features such as roads, railroads, rivers and lakes, depending on scale.

Please select from the following available maps and indicate quantity, size and desired jurisdiction, as applicable. Available sizes are large (36" by 48"), medium (17" by 22") and small (8.5" by 11"), unless otherwise indicated.

- Statewide legislative and congressional districts. **Quantity and size**
- Metropolitan area legislative and congressional districts (large size only). **Quantity**
- Individual congressional districts (large size only). **Quantity and district(s)**
- Individual state house or senate districts. **Quantity, size and district(s)**
- County, showing legislative districts (large size only). **Quantity and county**
- County, showing commissioner districts (large size only). **Quantity and county**
- Individual school district (large size only). **Quantity and school district**
- Individual city or town (large size only). **Quantity and municipality**
- Additional information

**Cost, delivery and payment**

- Map prices are \$11 per large map, \$9 per medium map, and \$7 per small map.
- Maps may be shipped via UPS for \$3.50 per order, or picked up from the State Office Building (address below).
- Full payment must be submitted with this request. Checks or money order are accepted via mail. Cash is also accepted when ordering in person. Allow five to ten days for processing. Return completed form and payment to:  
Minnesota Secretary of State  
Elections Division  
180 State Office Building  
100 Dr. Rev. Martin Luther King, Jr. Blvd.  
Saint Paul MN 55155
- For questions, call 651-215-1440 or email elections.dept@state.mn.us

**Disclaimer**

*This document can be made available in large print by calling (651) 296-2803/Voice, or on our Web site at [www.sos.state.mn.us](http://www.sos.state.mn.us). For TTY communication, contact the Minnesota Relay Service at 1-800-627-3529 and ask them to place a call to (651) 215-1440. The Secretary of State's Office does not discriminate on the basis of race, creed, color, sex, sexual orientation, national origin, age, marital status, disability, religion, reliance on public assistance or political opinions or affiliations in employment or the provision of services.*



Office of the Minnesota Secretary of State

ACCEPTED ABSENTEE/MAIL BALLOT LIST REQUEST

Instructions

Use this form to request a list of accepted absentee and mail ballots in state primaries or general elections, or special elections for state and federal offices. The list is provided in a comma-delimited text format which can be opened in most text-editing, spreadsheet, and database programs. The report will be current as of the time the report is run. This office may take up to 10 days to produce the report. The use of the list of accepted absentee and mail ballots for purposes unrelated to elections, political activities or law enforcement is a violation of Minnesota law. (Minnesota Statutes 201.091; 203B.12)

Voter Information

Name (as it would appear on your voter record)

Street Address

City State Zip Code

Email Phone

Report Information

Choose a geographic area for your report:

Statewide (\$46)

Single Jurisdiction (\$30) – Specify Name (of city, county, district, etc.)

Choose a specific election for your report:

State Primary

State General Election

Special Election for State or Federal Office – Specify Date

Delivery Information

Send the file to this email address

Payment Information

Total Cost

Payment via cash (in-person orders only. Note: orders are not produced “while you wait”)

Payment via check

Payment via money order

Mail or hand-deliver your order to: Office of the Secretary of State, 60 Empire Drive, Suite 100, Saint Paul MN 55103

Certification

I certify that I am a registered voter in the State of Minnesota and that the information in this list of accepted absentee ballots will be used only for purposes related to elections, political activities, or law enforcement (M.S. 201.091).

Signature

Date

OFFICE USE ONLY

Table with 5 columns: Date - Fiscal, Date - Media Prod, Client Acct, Amt Paid, Work Order #

Rev. 7/2014