



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

2023 Minnetonka Municipal Election

Dear Candidate:

Thank you for your interest in filing for a Minnetonka City Council position. The following information is provided to help you meet the legal requirements for candidates, and give you general information about the city and the election.

Election Information

- The filing fee is \$5.
- Your name will appear on the ballot EXACTLY as it appears in the top box of the Minnesota Affidavit of Candidacy form.
- The General Election will be held on Tuesday, November 7, 2023.
- In this year's election the council offices are:
 - Ward 1 Council Member (currently held by Brian Kirk)
 - Ward 2 Council Member (currently held by Rebecca Schack)
 - Ward 3 Council Member (currently held by Bradley Schaeppi)
 - Ward 4 Council Member (currently held by Kissy Coakley)

The term for these offices is four years.

Required Reports

State law requires candidates to file several reports. This information will let you know which reports to file and when. We also encourage you to visit the City's Code of Ordinance on www.minnetonkamn.gov/government/city-code to read the entire text of Chapter 1: Section 110 regarding campaign finance disclosures. That section provides definitions, certification requirements, implications of failure to report, and requirements to disclose real estate holdings. There is also an IRS Fact Sheet in the packet.

Reporting requirements vary by candidate, depending on when contributions are received and disbursements are made. We ask that you file a report notifying us that you have not met the threshold.

Financial Reports -- These reports must be filed at specific times, as follows:

Initial Report, which must be filed within 14 days after you receive contributions or make disbursements of more than \$50.

Preliminary Report, which must be filed 10 calendar days before the second Tuesday in August. For a Special Election it is due 10 calendar days before the uniform election date that precedes the special election by at least 74 days.

Pre-Election Report, which must be filed 10 days before the general election.

Post-Election Report, which must be filed 30 days after the general election.

Final Report, which must be filed when all debts have been settled and all assets in excess of \$100 in the aggregate are dispersed.

Certification Report, which must be filed within seven days after the general or special election.

Year End Report, which must be filed 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.

All reports must be filed with the Minnetonka City Clerk's office at:

14600 Minnetonka Blvd
Minnetonka, MN 55345
elections@minnetonkamn.gov

For your review

Information regarding Minnesota's Automatic Dialing- Announcing Device Law is included for your review.

Information about the City

Please visit our website (www.minnetonkamn.gov) for information about the City of Minnetonka. Once you get to the site, we strongly encourage you to check out the following documents:

2023 City Budget – select “Government,” then “Budget”.

Capital Improvements Program (CIP) – On the “Budget” page is a link to CIP information on left hand side.

Ordinance Code - select “Government,” then “City Code.”

In order to stay informed about current events in the city, consider subscribing to receive email or text alerts about city news at www.minnetonkamn.gov/subscribe. You may also follow the city on Twitter (@MinnetonkaMN) and Facebook (City of Minnetonka – Local Government).

The Minnetonka City Council is paperless. The Thursday before each regular council meeting or council study session, the city publishes an electronic agenda packet online. Past and current agendas and minutes are available on our website.

If you would like additional information about the City of Minnetonka, please contact our City Manager, Mike Funk at 952.939.8209 or electronically at mfunk@minnetonkamn.gov. He would welcome the opportunity to answer any questions you might have about city operations.

Mr. Funk will host a candidate briefing for anyone interested in the city organization and operations on **Wednesday, August 16 at 3:00 p.m. in the Minnehaha conference room**, which is located down the hall from the council chambers, towards city hall.

The following items are also provided for your information and use:

- **Minnesota Campaign Manual** – This manual is prepared by the Minnesota Secretary of State's Office, and provides information about campaign financial reporting and fair campaign practices.
<https://www.sos.state.mn.us/media/4908/minnesota-campaign-manual.pdf>

The information is revised every two years. *Please note that the City's ordinance regarding financial reporting supplements the State Statute.* The Secretary of State's website (www.sos.state.mn.us) is a great resource for additional information and forms.

- **City Map** – This map shows the city's four wards, 21 precinct boundary lines, and the polling places.
- **City Council Rules of Procedure** – This booklet details the rules that govern the conduct of public business by or on behalf of the city council.
- **Campaign Sign Requirements** – Outlines the restrictions for political campaign signs within the city.

Letters from the MN Department of Transportation and Hennepin County are provided concerning public rights-of-way along highways.

- **Voter Registration Cards** - Candidates may give voter registration cards to potential voters as they campaign. Completed cards must be returned to the City Clerk's office within 10 days and no later than October 17 before the General Election.

State law allows voters to register to vote online, this is done via the Secretary of State's website at <http://www.sos.state.mn.us/elections-voting/register-to-vote>. The same deadlines apply for online voter registrations.

- **City Organizational Chart**
- **General Information and Time requirements of City Council**
- **Secretary of State Order Forms**
 - Voter Information Request Form
 - Precinct Finder & Polling Place List Request
 - Map order form
- **Campaign Cybersecurity Memo**

Procedure to Withdraw from the Election

If you decide that you do not want to run for office after you have filed, you need to come to city hall with the necessary withdrawal form no later than 5 p.m. on Thursday, August 17, 2023. If you do not contact us by this deadline, your name will appear on the election ballot.

Additional Information

Please let us know if you have any questions about the materials, or if you need additional information.

elections@minnetonkamn.gov
952.939.8205



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, Office, and Party

Candidate Name (as it will appear on the ballot)
Office Sought
Political Party or Principle (State or Federal offices only)
Name of Incumbent (Judicial seats only)

Contact Information

Required (federal, judicial, county attorney, and county sheriff candidates are exempt) Check box if you do not have an email address
Phone number
Email (non-government issued)

Address Information

Residence Address Required (unless box is checked; federal, judicial, county attorney, and county sheriff candidates are exempt)

My residence address is to be classified as private data.
I certify a police report has been submitted, an order for protection has been issued, or I have a reasonable fear 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.

Residence Address
City
State
Zip Code

Campaign Contact Information (Address required if box above is checked)

Campaign Address
City
State
Zip Code
Campaign Website

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 authorized by Minn. Stat. 204B.06, subd. 9;
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.
Supreme Court Justice, Court of Appeals Judge, or District Court Judge - I will not turn 70 years of age before the first Monday of next January.
State Senator or State Representative - I will have maintained residence in Minnesota not less than one year and in 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 certify that a police report has been submitted, an order for protection has been issued, or I have a reasonable fear for my or my family’s safety; or my address is otherwise private by Minnesota law.

Signature of candidate Date

Filing Officer Verification of Residence

For offices where a residency requirement must be satisfied by the close of the filing period (Governor, Lieutenant Governor, State Senator, and State Representative). Must be completed by the filing officer within one business day of receiving the filing.

I have determined that the address provided by the candidate on this form is within the area represented by the office the candidate is seeking.

Signature of filing officer Date

Office of the Minnesota Secretary of State

AFFIDAVIT OF WITHDRAWAL

Instructions

Generally, a candidate who has filed an affidavit of candidacy may remove his or her name from the ballot by filing an affidavit of withdrawal by 5 p.m. no later than 2 days after the end of the filing period. The affidavit of withdrawal is filed with the same filing officer where the original affidavit of candidacy was filed. The withdrawal affidavit should include the candidate's name and office for which they filed and include a request to have their name withdrawn from the ballot. See the [Candidate Withdrawal](#) webpage for details regarding U.S. Presidential and Vice Presidential candidates, and candidates for State Constitutional Offices (Governor and Lieutenant Governor, Secretary of State, Attorney General, and State Auditor).

Statement

I,
certify that I filed an affidavit of candidacy for the office of
on , 2022. I request that my name be withdrawn from the ballot,
pursuant to *Minnesota Statutes* 204B.12, subd. 1.

Signature Date



ACCEPTED ABSENTEE/MAIL BALLOT LIST REQUEST – 2022 STATE ELECTIONS

Instructions

Use this form to request a list of accepted absentee and mail ballots in the 2022 state primary or general election. 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.)

Select the days of the absentee period before the **State Primary** on 8/9/22 you would like the report run:

	M	T	W	Th	F		M	T	W	Th	F		M	T	W	Th	F
6/27-7/1						7/4-7/8	Holiday					7/11-7/15					
7/18-7/22						7/25-7/29					8/1-8/5						

Select the days of the absentee period before the **State General Election** on 11/8/22 you would like the report run:

	M	T	W	Th	F		M	T	W	Th	F		M	T	W	Th	F
9/26-9/30						10/3-10/7					10/10-10/14						
10/17-10/21						10/24-10/28					10/31-11/4						

Additional information

Delivery Information

Send the file(s) to this email address

Payment Information

Number of reports x cost per report \$46 \$30 = TOTAL COST

- Payment via cash (in-person orders only. Note: orders are not produced "while you wait")
- Payment via check
- Payment via money order

Return order to: MN Secretary of State, First National Bank Building, 332 Minnesota St, Suite N201, St Paul MN 55101

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

<input type="radio"/>	Date - Fiscal	Date - Media Prod	Client Acct	Amt Paid	Work Order #
-----------------------	---------------	-------------------	-------------	----------	--------------

Rev. 1/2022

Filing Requirements for Political Organizations

Political parties; campaign committees for candidates for federal, state or local office; and political action committees are all political organizations subject to tax under IRC section 527.

Section 527 organizations are generally required to file one or more of the following:

1. An [initial notice](#)
2. [Periodic reports](#) on contributions and expenditures
3. [Annual income tax returns](#) and
4. [Annual information returns](#)

A political organization must have its own employer identification number (EIN), even if it does not have any employees. To get an EIN, an organization must file [Form SS-4, Application for Employer Identification Number](#) [PDF](#). For more information about obtaining an EIN (including how to apply online), see [Employer ID Numbers \(EIN\)](#).

Additionally, many political organizations must electronically file their periodic reports. In order to electronically file these reports, an organization needs the username and password issued to it after filing its initial notice. If you have forgotten or misplaced this username and password, please contact [TE/GE Customer Account Services](#) to request a replacement.

Additional information

- [News Release 2002-123](#)
- [Fact Sheet 2002-13](#) [PDF](#)
- [Revenue Ruling 2003-49](#) [PDF](#)
- [Revenue Procedure 2007-27](#) (safe harbor allowing certain tax-exempt political organizations to establish that failure to file Form 8872 was due to reasonable cause and not willful neglect and, therefore, eligible for relief from penalties)
- [State Filing Requirements](#)



Filing Requirements

Political parties; campaign committees for candidates for federal, state or local office; and political action committees are all political organizations subject to tax under IRC section 527.

Section 527 organizations are generally required to file one or more of the following:

- 1) An initial notice
- 2) Periodic reports on contributions and expenditures
- 3) Annual income tax returns and
- 4) Annual information returns

A political organization must have its own employer identification number (EIN), even if it does not have any employees. To get an EIN, an organization must file Form SS-4, *Application for Employer Identification Number*. For more information about obtaining an EIN (including how to apply online), see Employer ID Numbers (EIN).

Additionally, many political organizations must electronically file their periodic reports. In order to electronically file these reports, an organization needs the username and password issued to it after filing its initial notice. If you have forgotten or misplaced this username and password, please contact TE/GE Customer Account Services to request a replacement.

Additional information

- News Release 2002-123
- Fact Sheet 2002-13
- Revenue Ruling 2003-49.
- Revenue Procedure 2007-27 (safe harbor allowing certain tax-exempt political organizations to establish that failure to file Form 8872 was due to reasonable cause and not willful neglect and, therefore, eligible for relief from penalties)
- State Filing Requirements

Page Last Reviewed or Updated: 06-Aug-2017

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.

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">➤ Organization that does not seek tax-exempt status;➤ Political committee required to report to the FEC;➤ Campaign committee of state and local candidates;➤ State or local committee of political parties; and➤ Organization that reasonably expects annual gross receipts to always be less than \$25,000.
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">➤ Any organization excepted from Form 8871 filing requirement (see above); and➤ Qualified state or local political organization (QSLPO).
1120-POL	Due the 15th day of the 3rd month after the close of the taxable year	<ul style="list-style-type: none">➤ Political organization with no taxable income after taking the \$100 specific deduction.
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">➤ Any organization excepted from Form 8871 filing requirement (see above); and➤ Caucus or association of state or local officials

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.

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.

Minnesota's Automatic Dialing-Announcing Device Law

TO: Candidates, Political Campaigns, Political Parties, Political Committees and Other Interested Persons
FROM: Minnesota Attorney General's Office
DATE: April 22, 2022
RE: Minnesota's Automatic Dialing-Announcing Device Law

This memorandum provides guidance to candidates, political campaigns, political parties, political committees, and others concerning Minnesota's automatic dialing-announcing device law. It is similar to memoranda first issued by the Minnesota Attorney General's Office ("AGO") in 2004.

Minnesota's ADAD Law

A copy of Minnesota's automatic dialing-announcing device ("ADAD") law, which is contained at Minn. Stat. §§ 325E.26-.31, is attached.

The law provides as follows:

A caller shall not use or connect to a telephone line an automatic dialing-announcing device unless: (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

Minn. Stat. § 325E.27(a) (2020). An ADAD is "a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called." *Id.* § 325E.26, subd. 2. "Caller" includes "a person, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact, or who contacts, a subscriber in this state by using a telephone or a telephone line." *Id.*, subd. 3. A "subscriber" is "a person who has subscribed to telephone service from a telephone company or the other persons living or residing with the subscribing person." *Id.*, subd. 5.

The ADAD law does not apply to "messages to subscribers with whom the caller has a current business or personal relationship." *Id.* § 325E.27.

Minnesota law also governs other aspects of using ADADs in Minnesota. For example, all ADADs (to the extent their use is not prohibited) must be designed and operated to disconnect within ten seconds after a subscriber terminates the telephone call. *Id.* § 325E.28. ADADs may not be used before 9:00 a.m. or after 9:00 p.m. *Id.* § 325E.30. In addition, when an ADAD message is immediately preceded by a live operator, the operator must make certain disclosures to the subscriber. *See id.* § 325E.29.

The constitutionality of the ADAD statute has been upheld by the Minnesota Supreme Court and the Eighth Circuit Court of Appeals. *See Gresham v. Swanson*, 866 F.3d 853, 856

(8th Cir. 2017) (upholding constitutionality of ADAD statute in challenge by telephone-solicitation firm and its managing member); *Van Bergen v. State*, 59 F.3d 1541, 1556 (8th Cir. 1995) (upholding constitutionality of ADAD statute in challenge by political candidate); *State v. Casino Mktg. Group, Inc.*, 491 N.W.2d 882, 891-92 (Minn. 1992) (upholding constitutionality of ADAD statute in challenge by telephone-solicitation firm).

Enforcement of the ADAD Law

The AGO is authorized to enforce the ADAD law and seek a court order to enjoin violations of it. *See, e.g.*, Minn. Stat. §§ 8.31, 325E.31. The AGO generally intends to follow the following policy:

Upon receiving a verified and substantiated complaint that the ADAD law has been violated, the AGO will promptly contact the campaign committee that had allegedly violated the law and advise it of the alleged ADAD violations. Upon receiving verified and substantiated complaints from at least three or more individuals involving an identified campaign committee, the AGO may ask the committee to sign an Assurance of Discontinuance. If the committee does not do so promptly, the AGO may file a lawsuit and seek a temporary restraining order to enjoin further violations of the law.

For a complaint to be verified and substantiated, the complainant must sign an affidavit that documents the following:

- 1) The date and time the subscriber received the ADAD message;
- 2) When available (i.e., when left on an answering machine), a recording of the message;
- 3) Substantiation of the identity of the caller;
- 4) A statement that the subscriber (which includes persons living or residing with the subscriber) did not knowingly or voluntarily request, consent to, permit, or authorize receipt of the message;
- 5) A statement that the message was not immediately preceded by a live operator who obtained the subscriber's consent (or the consent of a person living or residing with the subscriber) before the message was delivered; and
- 6) A statement that the subscriber (which includes other persons living or residing with the subscriber) does not have a current business or personal relationship with the caller.

The policy adopted in 2004 required at least three signed affidavits to balance the legitimate enforcement of the statute with "the potential for mischief by political opponents." The AGO intends to continue the same general policy in 2022.

Attachment

325E.26 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 325E.26 to 325E.30 have the meanings given them in this section.

Subd. 2. **Automatic dialing-announcing device.** "Automatic dialing-announcing device" means a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

Subd. 3. **Caller.** "Caller" means a person, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact, or who contacts, a subscriber in this state by using a telephone or a telephone line.

Subd. 4. **Commercial telephone solicitation.** "Commercial telephone solicitation" means any unsolicited call to a residential subscriber when the person initiating the call has not had a prior business or personal relationship with the subscriber, and when the purpose of the call is to solicit the purchase or the consideration of purchase of goods or services by the subscriber. Commercial telephone solicitation does not include calls initiated by organizations listed in Minnesota Statutes 2000, section 290.21, subdivision 3, clauses (a) to (e).

Subd. 5. **Subscriber.** "Subscriber" means a person who has subscribed to telephone service from a telephone company or the other persons living or residing with the subscribing person.

Subd. 6. **Message.** "Message" means any call, regardless of its content.

History: 1987 c 294 s 1; 1994 c 534 art 2 s 1; 2003 c 2 art 1 s 38

325E.27 USE OF PRERECORDED OR SYNTHESIZED VOICE MESSAGES.

(a) A caller shall not use or connect to a telephone line an automatic dialing-announcing device unless: (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

(b) This section and section 325E.30 do not apply to (1) messages from school districts to students, parents, or employees, (2) messages to subscribers with whom the caller has a current business or personal relationship, or (3) messages advising employees of work schedules. This section does not apply to messages from a nonprofit tax-exempt charitable organization sent solely for the purpose of soliciting voluntary donations of clothing to benefit disabled United States military veterans and containing no request for monetary donations or other solicitations of any kind.

History: 1987 c 294 s 2; 2009 c 178 art 1 s 60

325E.28 REQUIREMENTS ON AUTOMATIC DIALING-ANNOUNCING DEVICES.

A caller shall not use an automatic dialing-announcing device unless the device is designed and operated so as to disconnect within ten seconds after termination of the telephone call by the subscriber.

History: *1987 c 294 s 3*

325E.29 MESSAGE REQUIREMENTS.

Where the message is immediately preceded by a live operator, the operator must, at the outset of the message, disclose:

- (1) the name of the business, firm, organization, association, partnership, or entity for which the message is being made;
- (2) the purpose of the message;
- (3) the identity or kinds of goods or services the message is promoting; and
- (4) if applicable, the fact that the message intends to solicit payment or commitment of funds.

History: *1987 c 294 s 4*

325E.30 TIME OF DAY LIMIT.

A caller shall not use an automatic dialing-announcing device nor make any commercial telephone solicitation before 9:00 a.m. or after 9:00 p.m.

History: *1987 c 294 s 5*

325E.31 REMEDIES.

A person who is found to have violated sections 325E.27 to 325E.30 is subject to the penalties and remedies, including a private right of action to recover damages, as provided in section 8.31.

History: *1987 c 294 s 6*



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

February 25, 2022

To: All Candidates Filing for Office
Subject: Campaign Cybersecurity

Cybersecurity is an important part of voters' confidence in our democracy. In response to the growing emphasis on secure elections, the Office of the Secretary of State suggests consulting the following free resources and encourages candidates and their campaigns to consider their recommendations:

The U.S. Department of Homeland Security offers a cybersecurity checklist for political campaigns:

https://www.cisa.gov/sites/default/files/publications/dhs_campaign_checklist_final_october.pdf

The FBI has produced the "Protected Voices" series of short videos for political campaigns on the subject of cybersecurity: <https://www.fbi.gov/investigate/counterintelligence/foreign-influence/protected-voices>

Researchers at Harvard University, in collaboration with bipartisan campaign professionals, national security experts, and leaders in cybersecurity from the public and private sector, created the Campaign Cybersecurity Playbook as a practical guide for candidates. <https://www.belfercenter.org/CyberPlaybook>

Finally, Meta Inc. has established Facebook Protect, a program for political candidates and their staffers to apply an extra level of security to their accounts:

<https://www.facebook.com/gpa/facebook-protect>

RE: Placement of Signs along Trunk Highways

CANDIDATES FOR PUBLIC OFFICE:

The Minnesota Department of Transportation reminds members of the public that placing signs, including campaign signs, within trunk highway right of way is prohibited. State law ([Minn. Stat. 160.2715](#)) prohibits the placement, painting, printing or affixing of advertisements or any object within the limits of a trunk highway, which includes driving lanes, inside and outside shoulders, ditches, sight corners at intersections and the area above and below the highway. The trunk highway system includes state, U.S. and interstate highways in Minnesota.

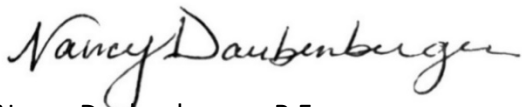
In addition, the Minnesota Outdoor Advertising Control Act ([Minn. Stat. 173.15](#)), which applies to land next to trunk highway right of way, prohibits the placement of advertising devices on private land without the consent of the owner or occupant; on trees, shrubs, or public utility poles; or by painting on rocks or natural features.

These laws protect the safety of both the traveling public and those who would place signs. They ensure that Minnesota complies with federal highway beautification laws. Right of way is used for a variety of purposes, including providing a safe place for vehicles that leave travel lanes, snow storage, location of public utilities, drainage of excess water away from roads, vegetation growth for aesthetics and erosion control and even pollinator habitat. Unauthorized signs and people stopping to place signs within the limits of the highway can create a safety hazard and compromise these functions.

County, city and township employees administer applicable laws on roads under their jurisdiction. MnDOT is responsible for the trunk highway system. Please contact local MnDOT offices for assistance when placing signs where trunk highway right of way cannot be clearly identified. Please ensure that those who place signs on your behalf are familiar with the law. Illegally placed signs will be removed by MnDOT employees and temporarily stored; please contact [local MnDOT district offices](#) promptly to retrieve signs that have been removed.

Thank you for your cooperation.

Respectfully,



Nancy Daubenberger, P.E.
Interim Commissioner



[511 Travel Info](#)

- [General Contacts](#)
- [MnDOT A to Z](#)
- [Search](#)

Signs and other objects along highway right of way and MnDOT property

Why do laws regulate the placement of objects in the highway right of way?

Related links

- [Contact maintenance](#)
- [Billboard permits](#)
- [Logo signs](#)
- [Adopt a Highway](#)

Objects along roadways pose hazards for drivers and maintenance crews. Minnesota Statutes, [section 160.2715](#) says in part that it is unlawful to paint, print, place, or affix any object within the limits of any state highway.

Specific laws for advertising and other signs

The Minnesota Outdoor Advertising Control Act ([Minnesota Statutes, section 173.15](#)) prohibits 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.

Can I get my sign back?

Illegally placed signs will be removed. MnDOT is responsible for state highways, and county, city, and township employees are responsible for their roads. Local municipalities also have their own regulations, which may differ from city to city and county to county. [Contact your local MnDOT office](#) for help when signs are being placed and specific highway right of way cannot be clearly identified. When improperly placed signs are removed by department employees, they will be temporarily stored. Please contact your local MnDOT office promptly to retrieve signs that have been removed..

What about flags?

MnDOT decides to display the U.S. flag at locations within its right of way. Out of respect for all that the flag symbolizes, flags that are displayed must follow U.S. flag code and be in compliance with MnDOT guidelines.

- [Criteria for installation and maintenance of the US flag](#)
- [A to Z](#)
- [Search MnDOT.gov](#)
- [Contact MnDOT](#)
- [511 Traveler Service](#)
- [Know Your Route](#)
- [News Releases](#)
- [Careers/Jobs](#)
- [Doing Business](#)
- [ADA and Accessibility](#)
- [Disclaimer and Legal](#)
- [About MnDOT](#)
- [State of Minnesota](#)
- [Governor's Site](#)
- [Employee Resources](#)

*2023 Minnesota Department of Transportation
395 John Ireland Blvd, St. Paul, MN 55155-1800
651-296-3000 Toll-free 800-657-3774*



Office of the Minnesota Secretary of State
REGISTERED VOTER LIST REQUEST

Instructions

Use this form to request a list of registered voters. For multiple orders, submit a new form for each list. Lists are provided in a ready-to-print pdf format, or in a comma-delimited text format which can be opened in most spreadsheet and database programs. Examples of these formats are available on the [Secretary of State's website](https://www.sos.state.mn.us) (https://www.sos.state.mn.us). This office may take up to 10 days to produce the report. The report will be current as of the time the report is run. The use of the list of registered voters for purposes unrelated to elections, political activities or law enforcement is a violation of Minnesota law. ([Minn. Statutes 201.091](#))

Voter Information

Name (as it would appear on your voter record)

Street Address

City State Zip Code

Email Phone

Report Information

1) Choose **one** geographic area for your report:

- Statewide (\$46) – Must choose Text format below
PDF format may be unavailable for jurisdictions below with large numbers of registered voters
- Congressional or Judicial District (\$30) – Must choose Text format below
- Minnesota Senate or House District (\$30)
- County or County Commissioner District (\$30)
- School District (\$30)
- Entire City or Town (\$30)
- Ward or Precinct (\$30) City/Town Ward or Precinct Name

2) Choose **one** format for your report:

Voter Lists with Voting History	Text (comma-delimited)	PDF (ready for printing, not sortable)
Walking List (sorted by street)	<input type="radio"/>	<input type="radio"/>
Summary Voting History for All Elections	not available	<input type="radio"/>
Detailed Voting History for All Elections	<input type="radio"/>	not available
Voter Lists for Mailing Labels	Text (comma-delimited)	PDF (ready for printing, not sortable)
One label per registered voter	<input type="radio"/>	<input type="radio"/>
One label per household	<input type="radio"/>	<input type="radio"/>

Delivery Information

Once processed, an email will be sent to the email above with a link to the requested voter data. This link will be active for seven days. For security, the voter data will be encrypted. Instructions will be included in the email about how to unencrypt the data. Please note the Secretary of State no longer provides this data on CD-ROM.

Payment Information

- Total Cost:
- \$46 Statewide Report
 - \$30 Local Report

Mail or hand-deliver your order to:

Office of the Secretary of State, First National Bank Building, 332 Minnesota Street, Suite N201, Saint Paul, MN 55101

- Payment via cash (in-person orders only. Orders are not produced "while you wait")
- Payment via check or money order

Certification

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

OFFICE USE ONLY	Date - Fiscal	Date - Media Prod	Client Acct	Amt Paid	Work Order #	Revised 10/2021
-----------------	---------------	-------------------	-------------	----------	--------------	-----------------

Registered Voter List Ordering Information

Registered voter information is only available to registered Minnesota voters, and may only be used for purposes related to elections, political activities, or law enforcement. ([Minnesota Statutes 201.091](#)) All data on registered voter reports is current as of the time the report was run. Only currently registered voters are included in the report. Voting history may not be updated for up to six weeks after an election.

Geographic Area

Reports can be requested for different geographic areas such as statewide, county, city, town, or precinct. Reports can also be requested by election district, such as congressional district, state senate district, state house district, judicial district, school district, city ward, or precinct.

Note that statewide reports may only be ordered in text format below. These reports will be divided into separate files for each congressional district.

Report Format

Reports are available in pdf format, text format, or sometimes both. Pdf reports come ready to print, but cannot be edited, sorted or filtered. Text files come in a comma-delimited format, ready to import into spreadsheet or database software. In that software, the data can be edited, sorted, and filtered, and also used in other ways, such as for mail merges. This office does NOT offer support for using this data with specific software application.

Report Information

Report	Voter Name	Address	Phone	Birth Year	Voter ID	Legacy ID	Registration Date	County	MCD	Precinct Code	School District Code	Other District Codes	Voting History
Walking List (pdf or text)	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes
Summary History for All Elections (pdf)	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Detailed History for All Elections (text)	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Voter Mailing Labels (pdf or text)	Yes	Yes	No	No	No	No	No	Yes	No	Yes	Yes	No	No
Household Mailing Labels (pdf or text)	No	Yes	No	No	No	No	No	Yes	No	Yes	Yes	No	No

Additional report notes:

- Walking Lists are sorted by street name, then street number
- Walking list and summary history reports include abbreviated election description for each year.
- Detailed history reports include two files: one is a list of voters, the second is a list of elections the voters have history of voting in. The Voter ID can be used as a primary key to cross-reference the records in the two files.
- Detailed history reports' elections files include election date, election description, and voting method.
- Mailing label pdf reports are formatted to print on Avery 5160 (or similar) label sheets.
- Household mailing labels include one label per address with at least one registered voter. All labels are addressed to "Registered Voters."

Ordering and Payment

Submit your order by mail or in person to:

Office of the Secretary of State, First National Bank Building, 332 Minnesota Street, Suite N201, Saint Paul, MN 55101

Orders may not be submitted online at this time. If ordering multiple lists, submit a separate order form for each list. Orders submitted together may be paid for with one payment.

- To order by mail, send your order form(s) and payment to the address above, "Attention: Voter Registration Lists". Payment may be by check or money order, payable to the Office of the Secretary of State.
- To order in person, come to the address above and submit your order form(s) and payment. You may pay with cash or check payable to the Office of the Secretary of State. Note that orders are not produced "while you wait."

Delivery

Once processed, a message will be sent to the specified email with a link to the requested voter data. This link will be active for seven days. For security, the voter data will be encrypted. Instructions will be included in the email message about how to unencrypt the data. Please note the Secretary of State no longer provides this data on CD-ROM.

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 website at <https://www.sos.mn.gov>. 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

POLLING PLACE LIST REQUEST

Instructions

Use this form to request a list of polling places for an upcoming election. The list is provided electronically either in a pdf format ready for printing, or in a comma-delimited text format which can be opened in most 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.

Requestor Contact Information

Name []
Street Address []
City [] State [] Zip Code []
Email [] Phone []

Report Information

Choose a geographic area for your report:

- Statewide (\$46) - MUST CHOOSE TEXT FORMAT BELOW
Single Jurisdiction (\$30) - Specify name (of county, city, district, etc.) []

Choose a specific election for your report:

- Next State Primary (available May before the primary)
Next State General Election (available August before the election)
Other Election (Specify Election Name & Date) []

Choose a format for your report:

- PDF (ready for printing)
Text (comma-delimited, for use in spreadsheets or databases)

Delivery Information

Once processed, an email will be sent to the email above with a link to the requested voter data. This link will be active for seven days. The Secretary of State no longer provides this data on CD-ROM.

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, First National Bank Building, 332 Minnesota Street, Suite N201, Saint Paul, MN 55101

OFFICE USE ONLY

Table with 5 columns: Date - Fiscal, Date - Media Prod, Client Acct, Amt Paid, Work Order #

Rev. 10/2021



Office of the Minnesota Secretary of State

PRECINCT FINDER REQUEST

Instructions

Use this form to request precinct finder data, which is a list of address ranges that can be used to find precinct and district information for a given address. This data is provided electronically either in a pdf format ready for printing, or in a comma-delimited text format which can be opened in most 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.

Requestor Contact Information

Name []
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 format for your report:

- PDF (ready for printing)
Text (comma-delimited, for use in spreadsheets or databases)

Delivery Information

Once processed, an email will be sent to the email above with a link to the requested voter data. This link will be active for seven days. The Secretary of State no longer provides this data on CD-ROM.

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, First National Bank Building, 332 Minnesota Street, Suite N201, Saint Paul, MN 55101

OFFICE USE ONLY

Table with 5 columns: Date - Fiscal, Date - Media Prod, Client Acct, Amt Paid, Work Order #

Rev. 10/2021

Minnesota Voter Registration Application

Complete lines 1 through 8. Please print clearly.

Personal Information and Qualifications

1	Are you a U.S. citizen? Yes <input type="checkbox"/> No <input type="checkbox"/>	Election Official Use Only IP M AB		
2	Are you at least 16 years old and will you be at least 18 years old on or before the day of the election in which you intend to vote? Yes <input type="checkbox"/> No <input type="checkbox"/> If you mark "NO" to either of these questions, DO NOT complete this form.			
3	Last name or surname	First name	Middle name	Suffix
4	Address where you live (residence) Apt. number City ZIP code			
5	If mail cannot be delivered to the address above, provide P.O. Box City ZIP code			
6	Date of Birth (not today's date) / /	School District (if known)	County where you live	
	Phone number	Email address		
7	Mark one box and provide the number that applies to you:			
	<input type="checkbox"/> I have a MN-issued driver's license or MN ID card number: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			
	<input type="checkbox"/> I do not have a MN-issued driver's license or MN ID card. The last four digits of my Social Security Number are: XXX-XX- <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			
	<input type="checkbox"/> I do not have a MN-issued driver's license, a MN-issued ID card, or a Social Security Number.			

Registration Update - Are you currently registered under a different name or address?

Previous last name	Previous first name	Previous middle name
Previous address where you were last registered City State ZIP Code		

Read And Sign Only If All Parts Apply To You.

8	<p>I certify that I:</p> <ul style="list-style-type: none"> • am at least 16 years old and understand that I must be at least 18 years old to be eligible to vote; • am a citizen of the United States; • will have maintained residence in Minnesota for 20 days immediately preceding election day; • maintain residence at the address given on the registration form; • am not under court-ordered guardianship in which the court order revokes my right to vote; • have not been found by a court to be legally incompetent to vote; • am not currently incarcerated for a conviction of a felony offense; and • have read and understand this statement, that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both. <p>Sign Here X _____ Date: ____ - ____ - 20 ____</p>
----------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

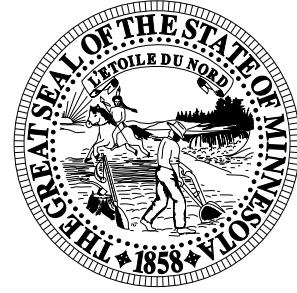
Election Judge Official Use Only

W _____	ID with Current Name & Address ID Number: _____	Photo ID + Document with Current Name & Address Document Type: _____ Photo ID Number: _____	Other
P _____	<input type="checkbox"/> MN Driver's License, Learner's Permit, MN ID Card, or Receipt <input type="checkbox"/> Tribal ID Card	<input type="checkbox"/> Driver's License, Learner's Permit or State ID Card <input type="checkbox"/> U.S. Passport <input type="checkbox"/> U.S. Military ID or Veteran ID <input type="checkbox"/> Tribal ID <input type="checkbox"/> Student ID	<input type="checkbox"/> Vouched For <input type="checkbox"/> Notice of Late Registration <input type="checkbox"/> Valid Registration in Same Precinct <input type="checkbox"/> Student ID with College List ID Number: _____
SD _____			Initials _____

Where to Return This Application

Mail or drop off this form to:

Secretary of State
First National Bank Building
332 Minnesota Street, Suite N201
Saint Paul, MN 55101



Deadline Information

We encourage you to register before Election Day — it will save you time at the polling place. The deadline to register in advance is 21 days before Election Day. Otherwise, you can register on Election Day at your polling place. Visit mnvotes.gov to learn what documents and/or identification you will need to bring.

An application that a third-party collects must be received by the Office of the Secretary of State, or by the voter's county election office within 10 days of when the voter signed and dated the application.

Assistance

Large-type applications are available upon request from your County Auditor or the Office of the Secretary of State. Special assistance available to those who are elderly, have disabilities, or are in health care facilities. Contact the Office of the Minnesota Secretary of State or your County Auditor for more information. Applications are available in other languages at mnvotes.gov.

Privacy Notice

Your exact date of birth, email address, and any ID number you give (Minnesota driver's license, state ID or last four digits of Social Security number) are private. Only election officials and other authorized government agencies may access this information.

Election officials use your exact date of birth and ID number to confirm your identity with the Minnesota Department of Public Safety or Social Security Administration. If you have an ID number but refuse to give it, your application may be incomplete and you may have to apply again or show proof of residence before you can vote.

Election officials ask for your email so they can contact you about your application. Also, the Office of the Secretary of State may email you (or contact you another way) about voting and elections, or ask for public input about voting and elections.

The rest of the data on your application is public when used for elections, political, law enforcement or jury selection purposes. If you need to keep your contact data private because of personal safety concerns, call 1-877-600-8683.

Additional Voting Information

For more information on voting, registering to vote, finding your polling place, state election results, campaign information, or conducting elections, go to the Minnesota Secretary of State website at mnvotes.gov or call toll free 1-877-600-VOTE (1-877-600-8683).

For a TTY/TTD (deaf and hard of hearing) communication, contact the Minnesota Relay Service at 1-800-627-3529 or 711.

2022

State of Minnesota **CAMPAIGN MANUAL**



CAMPAIGN FINANCIAL REPORTING & 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

Website: 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 (OAH). For further information on complaints and penalties, see the OAH's [Fair Campaign Practices](#) webpage (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>), or contact OAH at:

Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101
(651) 361-7900

CAMPAIGN FINANCE & PUBLIC DISCLOSURE

Campaign Finance & 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](#) (<https://cfb.mn.gov/>), who can be contacted at:

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

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](http://www.fec.gov) (www.fec.gov) administers the federal laws. Contact the commission at

Federal Election Commission
999 E Street NW
Washington, DC 20463
(800) 424-9530

Reports filed with the FEC are available 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, Brooklyn Park, Bloomington, Minneapolis, & Minneapolis Schools

Minnesota Statutes, Sections [383B.042-.057](#) that regulated campaign finance reporting and disclosure for Hennepin County Offices; Cities of Brooklyn Park, Bloomington & Minneapolis Offices; and Minneapolis Public Schools were repealed in 2021 ([2021 c 31 art 4 s 33](#)).

Please review section [383B.041](#) for details regarding campaign finance reporting and disclosure requirements for these offices.

FILING FOR OFFICE & CAMPAIGNING INFORMATION IS AVAILABLE ONLINE

Candidate filing for office and campaigning information is available 24 hours a day, 7 days a week at the Office of the Minnesota Secretary of State's "[Become a Candidate](#)" webpage located at (<https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/>).

Accessible and fillable versions of many forms and other information are available.

TABLE OF CONTENTS

PREFACE	3
COMPLAINTS.....	3
CAMPAIGN FINANCE & PUBLIC DISCLOSURE	3
CAMPAIGN FINANCE & PUBLIC DISCLOSURE BOARD.....	3
FEDERAL OFFICES.....	4
HENNEPIN COUNTY, BROOKLYN PARK, BLOOMINGTON, MINNEAPOLIS, & MINNEAPOLIS SCHOOLS	4
FILING FOR OFFICE & CAMPAIGNING INFORMATION IS AVAILABLE ONLINE.....	4
TABLE OF CONTENTS	5
SUMMARY OF CHAPTERS 211A & 211B	9
FILING FOR OFFICE CHECKLIST.....	9
CHANGES IN ELECTION LAWS AND/OR RULES	9
CANDIDATE AND COMMITTEE QUESTIONS.....	9
CAMPAIGN CYBER SECURITY	10
NOTES & DECISIONS	10
CAMPAIGN FINANCIAL REPORTING CHAPTER 211A	10
WITH WHOM DO I FILE CAMPAIGN FINANCIAL REPORTS?.....	11
VIOLATIONS OF CHAPTER 211A.....	12
CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING	12
ONLINE CAMPAIGN FINANCE FORMS.....	12
FEDERAL OFFICES.....	13
CAMPAIGN PRACTICES CHAPTER 211B	13
SOLICITATION OF CONTRIBUTIONS	13
CORPORATE CONTRIBUTIONS	13
REGULATION OF EXPENDITURES	14
ADVERTISING & LITERATURE REQUIREMENTS.....	15
IMPROPERLY INFLUENCING VOTERS	16
ELECTION DAY ACTIVITIES.....	17
VIOLATIONS OF CHAPTER 211B.....	17
CAMPAIGN PRACTICES AND/OR FINANCE VIOLATIONS.....	17
CHAPTER 211A CAMPAIGN FINANCIAL REPORTING	19
211A.01 DEFINITIONS.....	19
211A.02 FINANCIAL REPORT.....	20
211A.03 FINAL REPORT.....	21
211A.04 SECRETARY OF STATE’S DUTIES.....	22
211A.05 FAILURE TO FILE STATEMENT.....	22
211A.06 FAILURE TO KEEP ACCOUNT; PENALTY	22
211A.07 BILLS WHEN RENDERED AND PAID.....	23
211A.08 PROSECUTION.....	23
211A.09 FORFEITURE OF NOMINATION OR OFFICE.....	23
211A.10 DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS.....	24
211A.11 PENALTIES FOR VIOLATIONS	24

211A.12 CONTRIBUTION LIMITS.....	24
211A.13 PROHIBITED TRANSFERS.....	24
211A.14 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION	25
CHAPTER 211B FAIR CAMPAIGN PRACTICES	27
211B.01 DEFINITIONS	27
211B.02 FALSE CLAIM OF SUPPORT.....	28
211B.03 USE OF THE TERM REELECT	28
211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER	29
211B.045 NONCOMMERCIAL SIGNS EXEMPTION	30
211B.05 PAID ADVERTISEMENTS IN NEWS	31
211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL.....	31
211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED	33
211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED	34
211B.09 PROHIBITED PUBLIC EMPLOYEE ACTIVITIES.....	34
211B.10 INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS	34
211B.11 ELECTION DAY PROHIBITIONS	35
211B.12 LEGAL EXPENDITURES.....	36
211B.13 BRIBERY, TREATING, AND SOLICITATION	37
211B.14 DIGEST OF LAWS.....	37
211B.15 CORPORATE POLITICAL CONTRIBUTIONS.....	38
211B.16 PROSECUTION.....	41
211B.17 FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED	41
211B.18 DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS	41
211B.19 PENALTIES FOR VIOLATION	42
211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS	42
211B.205 PARTICIPATION IN PUBLIC PARADES.....	43
211B.21 APPLICABILITY.....	43
211B.31 DEFINITION	43
211B.32 COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES	43
211B.33 PRIMA FACIE REVIEW	44
211B.34 PROBABLE CAUSE HEARING	45
211B.35 EVIDENTIARY HEARING BY PANEL.....	45
211B.36 PROCEDURES	46
211B.37 COSTS ASSESSED.....	47
RELATED LAWS - SELECTED PROVISIONS	49
10A.01 NON-CAMPAIGN DISBURSEMENT.....	49
10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION POLITICAL COMMITTEES AND FUNDS	50
10A.20 CAMPAIGN REPORTS.....	51
10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION	55
10A.31 DESIGNATION OF INCOME TAX PAYMENTS.....	56
10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS.....	56
160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS	57
160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.....	57
200.02 DEFINITIONS.....	57
204C.035 DECEPTIVE PRACTICES IN ELECTIONS.....	59

204C.06 CONDUCT IN AND NEAR POLLING PLACES	59
204C.35 FEDERAL, STATE, AND JUDICIAL RACES	60
204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.....	62
209.02 CONTESTANT; GROUNDS.....	64
209.021 NOTICE OF CONTEST.....	64
FILING FOR OFFICE CHECKLIST	65
AFFIDAVIT OF CANDIDACY.....	65
NOMINATING PETITIONS AND PETITIONS IN PLACE OF FILING FEE.....	66
FILING FEES	66
PROOF OF LICENSURE.....	66
BEFORE LEAVING	66
AFTER FILING.....	67
WITHDRAWALS	67
CAMPAIGN FINANCIAL REPORT (PHOTOCOPY VERSION)	69
CAMPAIGN FINANCIAL REPORT INSTRUCTIONS.....	70
CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING	71

SUMMARY OF CHAPTERS 211A & 211B

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.

FILING FOR OFFICE CHECKLIST

A “filing for office” checklist can be found in this manual. It is a *generic* list for all Minnesota offices. The list’s purpose is to let you know what to “generally” expect when filing for an office, important items to remember to complete before leaving the filing event and what to expect after you have filed for office.

There are more specific items related to each office sought. Before filing, it is strongly encouraged to contact the filing officer (usually the clerk of the jurisdiction – see page 11) and obtain all the specific procedures and forms related to “filing” for that office for that election.

Note: Candidates are solely responsible for meeting the legal requirements of the filing process as provided in Minnesota Election Law. Minnesota Election Law is the final authority in all matters, not the checklist provided in this guide.

CHANGES IN ELECTION LAWS AND/OR RULES

Candidates are responsible for familiarizing themselves with any **changes in all laws; especially those related to all elections, campaigning and candidate filing**. 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, 2022 and before the next production of this booklet, will be posted on the web site of the Minnesota Secretary of State at the [Additions to Campaign Manual](#) webpage (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, 2022, will be posted on the same web site.

CANDIDATE AND COMMITTEE QUESTIONS

If you have any questions about this manual or generalized questions about the administration of Minnesota elections, please contact Secretary of State Elections Division staff members at the address and phone number below, or the following e-mail address: 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

Attention: Please be advised that the Office of the Minnesota Secretary of State’s staff members cannot provide legal opinions and/or definitive answers about any state law or rule. Candidates and committee members are encouraged to seek out their own legal, financial and/or campaign advisors/consultants for guidance.

CAMPAIGN CYBER SECURITY

Cybersecurity is an important part of voters' confidence in our democracy. In response to the growing emphasis on secure elections, a handful of reputable, non-partisan organizations have made the following resources available:

Researchers at Harvard University, in collaboration with bi-partisan campaign professionals, national security experts, and leaders in cybersecurity from the public and private sector, created the [Campaign Cybersecurity Playbook](https://www.belfercenter.org/CyberPlaybook) (<https://www.belfercenter.org/CyberPlaybook>) as a practical, baseline guide to cybersecurity that campaigns can use to help safeguard their systems. The guide is free of charge, and we encourage candidates and their campaigns to consider its recommendations.

[Defending Digital Campaigns](https://defendcampaigns.org/) (DDC) (<https://defendcampaigns.org/>) is a nonprofit C4, nonpartisan and non-aligned organization providing access to cybersecurity products, services, and information regardless of party affiliation. While the main site contains a wealth of valuable information, this organization's [Knowledge Base](https://defendcampaigns.zendesk.com/hc/en-us) (<https://defendcampaigns.zendesk.com/hc/en-us>) is especially useful as a starting point for political campaign cybersecurity.

The [USC Election Cybersecurity Initiative](https://electionsecurity.usc.edu/) (<https://electionsecurity.usc.edu/>) is a non-partisan independent project, supported by Google, to help protect campaigns and elections that offers support to the entire election ecosystem including campaigns and administrators.

NOTES & DECISIONS

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

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?

Campaign Finance Reporting Locations

For these offices/questions...	File Campaign Finance Reports with...
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 Legislature	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)
U.S. 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 OSS [Campaign Finance Filings](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/) webpage (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 election offices 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 and/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.

Violations of Chapter 211A

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, to date, 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, to date, 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 pages of this manual and is available at the OSS [Campaign Finance Filings](#) webpage (www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/). Local filing clerks and county election offices also have blank certification forms available.

Online Campaign Finance Forms

Accessible and fillable versions of the campaign finance forms found at the end of this manual can be found at the Minnesota Secretary of State's webpage for [Campaign Finance Filings](#) (www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/).

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](http://www.fec.gov) website (www.fec.gov). The Secretary of State's Office, Elections Division has a terminal available for viewing the FEC website. 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 they were 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, subds. 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 non-preferential 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, constituent informational materials, and other expenses reasonably related to the conduct of election campaigns.

Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

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 & 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](#). The OAH's [Fair Campaign Practices](https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp) webpage (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>) has more information about the complaint process and potential penalties for violations.

Improperly Influencing Voters

Bribery, advancing money, & 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 to compel another to vote for or against a candidate or ballot question.

Promise appointments. No person, 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 related to a candidate and/or ballot question on that election's ballot, or provide any such badge, insignia, or button, at or about the polls. Violation of this section will not prevent an individual from voting; however, names and activity details will be forwarded to local law enforcement for investigation. [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](#).

CAMPAIGN PRACTICES AND/OR FINANCE VIOLATIONS

The Office of Administrative Hearings provides a "[penalty matrix](https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp)" (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>) that a three-judge panel *might* use in determining penalties for violations of Minnesota campaign practice and/or finance laws.

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 & 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 & 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 & 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 & 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 & 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 & 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 & 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 & 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 & 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 & 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 & DECISIONS

Campaign statute governing false claims of support, violated by Minnesota Supreme Court candidate who falsely claimed that a party’s judicial-election committee endorsed her, was not overbroad in violation of the First Amendment; statute only prohibited a candidate from making a knowingly false claim, statute did not prohibit a candidate from truthfully reporting receipt of a party sub-unit’s endorsement, and counter-speech, even media statements and retractions, was not an effective alternative means to combat false claims of support or endorsement. *Linert v. MacDonald*, 901 N.W.2d 664 (Minn. Ct. App. 2017).

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 MATERIAL MUST INCLUDE DISCLAIMER

- Subd. 1. **Campaign material.** (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. The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address. 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."
- Subd. 2. **Independent expenditures.** (a) The required form of the disclaimer on a written independent expenditure is: "This is an independent expenditure prepared and paid for by (name of entity participating in the expenditure), (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." The address must be either the entity's mailing address or the entity's website, if the website includes the entity's mailing address. When a written independent expenditure is produced and disseminated without cost, the words "and paid for" may be omitted from the disclaimer.
- (b) The required form of the disclaimer on a broadcast independent expenditure is: "This independent expenditure is paid for by (name of entity participating in the expenditure). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." When a broadcast independent expenditure is produced and disseminated without cost, the following disclaimer may be used: "..... (name of entity participating in the expenditure) is responsible for the contents of this independent expenditure. It is not coordinated with or approved by any candidate nor is any candidate responsible for it."
- Subd. 3. **Material that does not need a disclaimer.** (a) This section does not apply to fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate.
- (b) This section does not apply to an individual or association that is not required to register or report under chapter [10A](#) or [211A](#).
- (c) 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.
- (d) This section does not modify or repeal section [211B.06](#).

Subd. 4. **Websites.** The requirements of this section are satisfied for an entire website or social media page when the disclaimer required in subdivision 1 or 2 appears once on the home page of the site.

Subd. 5. **Font size.** For written communications other than an outdoor sign, website, or social media page, the disclaimer must be printed in 8-point font or larger.

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](#); [2018 c 119 s 33](#)

211B.04 NOTES & DECISIONS

Statute requiring campaign materials to include disclaimer regarding preparation of materials did not impermissibly restrict right to free speech, because statute expressly limited reach to political candidates and campaign committees. *Lewison v. Hutchinson*, 929 N.W.2d 444 (Minn. Ct. App. 2019).

Public display of political candidate's lawn signs without required disclaimer to inform voters about election-related spending was continuing violation of statute requiring disclaimer, and thus applicable one-year limitations period for challenging violations of statute did not begin to run while signs remained up. *Lewison v. Hutchinson*, 929 N.W.2d 444 (Minn. Ct. App. 2019).

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 & 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 & 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 (8th 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 & 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

Special Note from the Office of the Revisor of Statutes: This section was found unconstitutional in *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 427 F.3d 1106 (8th Cir. 2005). See Notes & Decisions below for further details.

211B.08 NOTES & 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 & 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](#).

Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided in section [204B.49](#).

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](#); [2017 c 92 art 1 s 27](#)

211B.11 NOTES & DECISIONS

Minnesota statute and election policy prohibiting display of political materials, including political apparel in the polling place, as applied, did not violate political organization's freedom of speech rights under First Amendment; banning apparel with organization's name and logo was reasonable because it was wholly consistent with state's legitimate interest in preserving polling place decorum and neutrality. *Minnesota Majority v. Mansky*, 849 F.3d 749 (8th Cir. 2017), cert. granted 138 S.Ct. 446.

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 (8th 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 & 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 & 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 [322C](#), 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](#); [2016 c 135 art 4 s 8](#)

211B.15 NOTES & 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 (8th 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 (8th 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 & 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 & 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 & 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](#); [7Sp2020 c 1 art 6 s 25](#)

Note: The revisor may make technical changes in other statutes that reference section 144G due to changes made to the section 144G during the 2021 legislative sessions.

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 & DECISIONS

On appeal of decision adjudicating claims of unfair campaign practices, appellate court presumes decisions of Office of Administrative Hearings are correct. *Lewison v. Hutchinson*, 929 N.W.2d 444 (Minn. Ct. App. 2019).

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 & 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 & DECISIONS

On appeal of decision adjudicating claims of unfair campaign practices, appellate court presumes decisions of Office of Administrative Hearings are correct. *Lewison v. Hutchinson*, 929 N.W.2d 444 (Minn. Ct. App. 2019).

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. **Noncampaign disbursement.** (a) "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 as provided in section [10A.173, subdivision 1](#);
 - (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;
 - (23) costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check;
 - (24) a contribution to a fund established to support a candidate's participation in a recount of ballots affecting that candidate's election;
 - (25) costs paid by a candidate's principal campaign committee for a single reception given in honor of the candidate's retirement from public office after the filing period for affidavits of candidacy for that office has closed;
 - (26) a donation from a terminating principal campaign committee to the state general fund; and
 - (27) a donation from a terminating principal campaign committee to a county obligated to incur special election expenses due to that candidate's resignation from state office.
- (b) The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.
- (c) 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 & 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, local 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.** 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. 2a. **Local election reports.** (a) This subdivision applies to a political committee, political fund, or political party unit that during a non-general election year:

(1) spends in aggregate more than \$200 to influence the nomination or election of local candidates;

(2) spends in aggregate more than \$200 to make independent expenditures on behalf of local candidates; or

(3) spends in aggregate more than \$200 to promote or defeat ballot questions defined in section 10A.01, subdivision 7, clause (2), (3), or (4).

(b) In addition to the reports required by subdivision 2, the entities listed in paragraph (a) must file the following reports in each non-general election year:

(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 the local primary election date specified in section [205.065](#);

(4) a pre-general-election report due 42 days before the local general election; and

(5) a pre-general-election report due ten days before a local general election.

The reporting obligations in this paragraph begin with the first report due after the reporting period in which the entity reaches the spending threshold specified in paragraph (a).

Subd. 3. **Contents of report.** (a) The report required by this section must include each of the items listed in paragraphs (b) to (q) 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, including an explanation of how the expenditure was used, and the name and address of, and office sought by, each candidate or local 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 or local candidate, the candidate's or local candidate's name, address, and office sought. A reporting entity making an expenditure on behalf of more than one candidate or local candidate must allocate the expenditure among the candidates and local candidates on a reasonable cost basis and report the allocation for each candidate or local candidate. The report must list on separate schedules any independent expenditures made on behalf of local candidates and any expenditures made for ballot questions as defined in section 10A.01, subdivision 7, clause (2), (3), or (4).

(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, local candidate, 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. The report must list on separate schedules any contributions made to state candidates' principal campaign committees and any contributions made to local candidates.

(l) The report must disclose the sum of all contributions made by the reporting entity during the reporting period and must separately disclose the sum of all contributions made to local candidates 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, including an explanation of how the expenditure was used.

(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.

(p) Legislative, statewide, and judicial candidates, party units, and political committees and funds must itemize contributions that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.

(q) Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$200 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased, including an explanation of how the expenditure was used. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.

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; any candidate's principal campaign committee or agent; any local candidate, or any local candidate's 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" starts at 12:00 a.m., on the first day of each annual session and ends at 11:59 p.m. on the 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.

Subd. 7b. **Failure to repay.** A candidate who fails to repay money required by the agreement cannot be paid additional public subsidy funds during the current or future election cycles until the entirety of the unexpended funds and any associated collection fees are either repaid to the board or discharged by court action.

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. 4. **Special election.** “Special election” means:
- (1) an election held at any time to fill vacancies in state or federal offices; or
- (2) an election for a special purpose held by a subdivision of the state on a date authorized by [section 205.10, subdivision 3a](#), or [205A.05, subdivision 1a](#).
- 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:

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

(2) for election to the office of 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.

Subd. 29. **Original Signature.** “Original signature” does not include an electronic signature.

204C.035 DECEPTIVE PRACTICES IN ELECTIONS

- Subd. 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.
- Subd. 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.
 - (d) 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 & 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. 2a. **Constitutional amendment recount.** In a state general election when the difference between the number of "yes" votes cast on ratification of a proposed constitutional amendment is within one-quarter percent of the number of all other ballots cast at the election, the canvassing board shall manually recount the votes on that question, including the number of "yes" or "no" votes on the question, and the number of ballots that did not cast a vote on the question. The results of the recount must be certified by the canvassing board as soon as possible.

- 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 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. 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 & 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 under this paragraph shall be filed between the close of the canvass of a primary or special primary and 5:00 p.m. on the fifth day after the canvass of a primary or special primary or between the close of the canvass of a special or general election and

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 & 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. Except as provided in [section 204D.27](#), 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. If a contest is based on a deliberate, serious, and material violation of the election laws that 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.

209.021 NOTES & DECISIONS

To withstand motion to dismiss, notice of election contest must provide plain statement showing that contestant is entitled to decree changing election's declared result, including allegations that irregularities or errors affected outcome. *Bergstrom v. McEwen*, 960. N.W.2d 556 (Minn. 2021).

FILING FOR OFFICE CHECKLIST

Note: Candidates are solely responsible for meeting the legal requirements of the filing process as provided in Minnesota Election Law. Minnesota Election Law is the final authority in all matters, not this checklist.

AFFIDAVIT OF CANDIDACY

1. Determine correct filing period.
2. **Determine correct filing officer. Confirm office hours during filing period.**
3. Completed, signed, and notarized filing paperwork and filing fees can be mailed or delivered by another person to the filing officer. Must be received in the appropriate filing office during the filing period.
4. For candidates who will be out of the state during the filing period, completed, signed, and notarized filing paperwork and filing fees may be submitted 7 days earlier than the first day of filing period. Review M.S. [204B.09, subd. 1a](#); [205.13, subd. 1b](#), [205A.06, subd. 1c](#), for further details.
5. Determine correct name of office sought and determine if there are different seats numbers/letters for a similar office title.
6. The name that you list on the top of the affidavit is the name that will be placed on the ballot; exactly – as is. Make sure it is clearly written and verify with filing officer any details such as hyphenations, Mc names, irregular spacing, etc.
 - a. Names are placed on the ballot in upper and lower case, so, be very specific as to what letters are to be capitalized.
 - b. If needed, provide name pronunciation instructions to filing officer for programming of audio features of assistive voting devices.
7. Affidavit is complete, signed, and notarized.
 - a. Before the filing event (no more than 60 days before the first day of the filing period).
 - b. Or at the filing event. Filing officers may serve as notarial official for affidavits of candidacy.
8. What is a “complete” affidavit?
 - a. Name – exactly what will appear on the ballot (upper- and lower-case letters).
 - b. Review [M.S. 204B.06, subd. 1\(3\), para. 2](#) regarding “true name and commonly/generally known in the community.”
 - c. Office & District # - be specific. Clarify the exact name of the seat up for election and make it clear the seat number/letter if similar offices are on the ballot. If there are special elections for vacancies, clearly state which seat you choose.
 - d. Partisan & Judicial Offices – clearly state this information to avoid confusion.
 - e. Residential address – this is required for many offices. There are a few exceptions.
 - f. Campaign Address & Contact – Required and optional items depending upon the office sought. Avoid the use of government phone numbers, addresses or e-mail addresses.
 - g. A phone number is required for all affidavits except for some federal, judicial, county sheriff or county attorney offices.
 - h. Read through the Affirmation and decide if everything is true and accurate for you and the office you seek before signing.

- i. Sign affidavit in front of a notary public or other officer empowered to take and certify acknowledgements. Filing officers usually have this authority.
- j. Affidavit can be completed, signed, and notarized within 60 days of the first day of filing for the office and during the filing period.

NOMINATING PETITIONS AND PETITIONS IN PLACE OF FILING FEE

1. Nominating Petitions are required for those filing for partisan office as a minor party or independent candidate. It is also required for offices in some cities of the first class.
 - a. Review M.S. [204B.07](#), [204B.10](#), [204D.13](#), [204D.23](#), [205.121](#), [205.13](#) & Minn. Rule Chapter [8205](#).
 - b. Signatures are gathered during the filing period.
2. Petitions in Place of a Filing fee may be used by any candidate to waive the filing fee associated with filing for office.
 - a. Review M.S. [204B.11](#), [204B.131](#) & Minn. Rule Chapter [8205](#).
3. There is a **combination** petition (Nomination & In-Place of a Filing Fee) available for partisan offices.
4. If a petition is submitted, the confirmation of the filing will not take place until signatures have been verified and the petition is certified as sufficient.

FILING FEES

1. Most filing offices accept cash or checks. There are a few offices that now accept credit or debit card payments.
2. The filing fee amount and the type of payment will be noted on the affidavit.
3. A separate receipt might be given at that time, or a receipt might be mailed out later.

PROOF OF LICENSURE

1. Those filing for the office of County Sheriff must provide proof of licensure as a peace officer in the State of Minnesota. M.S. [204B.06, subd. 8](#), [387.01](#), [626.846](#)
2. Those filing for the office of County Attorney must provide proof of licensure to practice law in the State of Minnesota. M.S. [204B.06, subd. 8](#), [388.01](#)
3. Those filing for any judicial office must provide proof of licensure to practice law in the State of Minnesota. M.S. [204B.06, subd. 8](#)

BEFORE LEAVING

1. Receive a copy of the completed, signed, and notarized affidavit.
2. Make sure the phone number is present on the affidavit for most offices.
3. You will receive either a filing number for a complete filing or a receipt number for a petition.
4. Receive a filing packet.
 - a. State and judicial offices will receive a packet from the Campaign Finance and Public Disclosure Board with time sensitive materials to be addressed immediately after filing.

AFTER FILING

1. If the office will be on the state primary and/or state general election ballots, candidates can find their filing information at the [OSS Candidate Finder](https://candidates.sos.state.mn.us/) website (https://candidates.sos.state.mn.us/)
 - a. There is a delay between information that is placed in the candidate database and when it is projected on the public website. If it isn't on the website by the next day, contact the filing officer.
2. If an error in the information on the website is found, contact the filing officer with whom you filed, right away. The filing officer will double check the affidavit information and make corrections if warranted.
3. Most filing officers would like the notation of the error and the correction sought in writing. They might verify that you are the candidate or working on behalf of the candidate before making the change.
4. If the information on the website matches what was placed on the affidavit, it will most likely not be changed. You may need to speak to the legal counsel of the jurisdiction about changes that do not match what was placed on the affidavit.
5. Elections not held with the state elections may or may not have the availability of the OSS candidate finder website. The filing information is only kept with the filing officer for that election.
6. If a petition was submitted, the candidate will be notified if it was determined to be sufficient or insufficient.
 - a. If sufficient, a filing number will be assigned.

WITHDRAWALS

1. There is usually a two-day withdrawal period after the close of filing. There are exceptions, but, usually, the candidate will have up to two days after the close of filing to file a withdrawal if they no longer wish to have their name placed on the ballot.
2. Candidates must file a withdrawal with the same filing officer that the affidavit was filed.
3. If you miss the deadline for withdrawal, your name, in most cases, will be placed on the ballot.
 - a. If you happen to win, it is your choice if you want to accept the certification of election.
 - b. If you happen to win, and do not accept the certificate of election, a vacancy will exist. The person who received the next highest number of votes at that election does not “automatically” receive the certificate of election.

CAMPAIGN FINANCIAL REPORT (Photocopy version)

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Report

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 = \$ _____

Office

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

<i>Date</i>	<i>Purpose</i>	<i>Amount</i>
	TOTAL	

For Office Use Only: Name

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 _____

<i>Date</i>	<i>Purpose</i>	<i>Name and Address of Recipient</i>	<i>Expenditure or Contribution Amount</i>
		TOTAL	

I certify that this is a full and true statement. _____

Signature

Date

Printed Name _____ Telephone _____ Email (if available) _____

Address _____

CAMPAIGN FINANCIAL REPORT 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:

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

WHEN TO FILE: 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** (see below) 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.

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 to date 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 _____

Office of the Minnesota Secretary of State
Elections Division
2022 Campaign Manual
4/7/2022

Office of the Minnesota Secretary of State - Elections Division

2023 Candidate Filing Information Sheet

(2022 Campaign Manual Supplement)

New Affidavit of Candidacy

There is a new [Affidavit of Candidacy](#) to be used for all candidate filings after June 1, 2023.

Email Addresses

[2023 Session Laws, chapter 62, article 4, section 70](#)

Candidates **must** provide a non-government issued email address on the affidavit of candidacy or attest that they do not have an email address.

- Affidavits of candidacy are updated to note this requirement and include an option to check if the candidate does not have an email address.

Residence Classified as Private Data

[2023 Session Laws, chapter 62, article 4, section 70](#)

Candidates may request their residence be classified as private data if the candidate has a reasonable fear regarding the safety of the candidate or the candidate's family.

- The candidate must provide their residential address to the filing officer to be kept privately.
- Any office where the residency requirement must be satisfied by the close of the filing period and where the candidate has requested their address be classified as private data, the filing officer must, within one day, determine whether that address is within the boundaries of the district represented by the office. *This is only for the offices of Governor, Lieutenant Governor, State Senator, and State Representative.*

There is a new [Address of Residence Form](#) that may be used for this request.

Pre-Primary Financial Reports

[2023 Session Laws, chapter 62, article 4, section 127](#)

All candidates are now required to submit a pre-primary report even if the jurisdiction has never been primary-possible.

- If a candidate has filed an initial report after receiving contributions or making disbursements of more than \$750, they are then required to file another report ten days before the primary or special primary (or the date when the primary would have taken place).

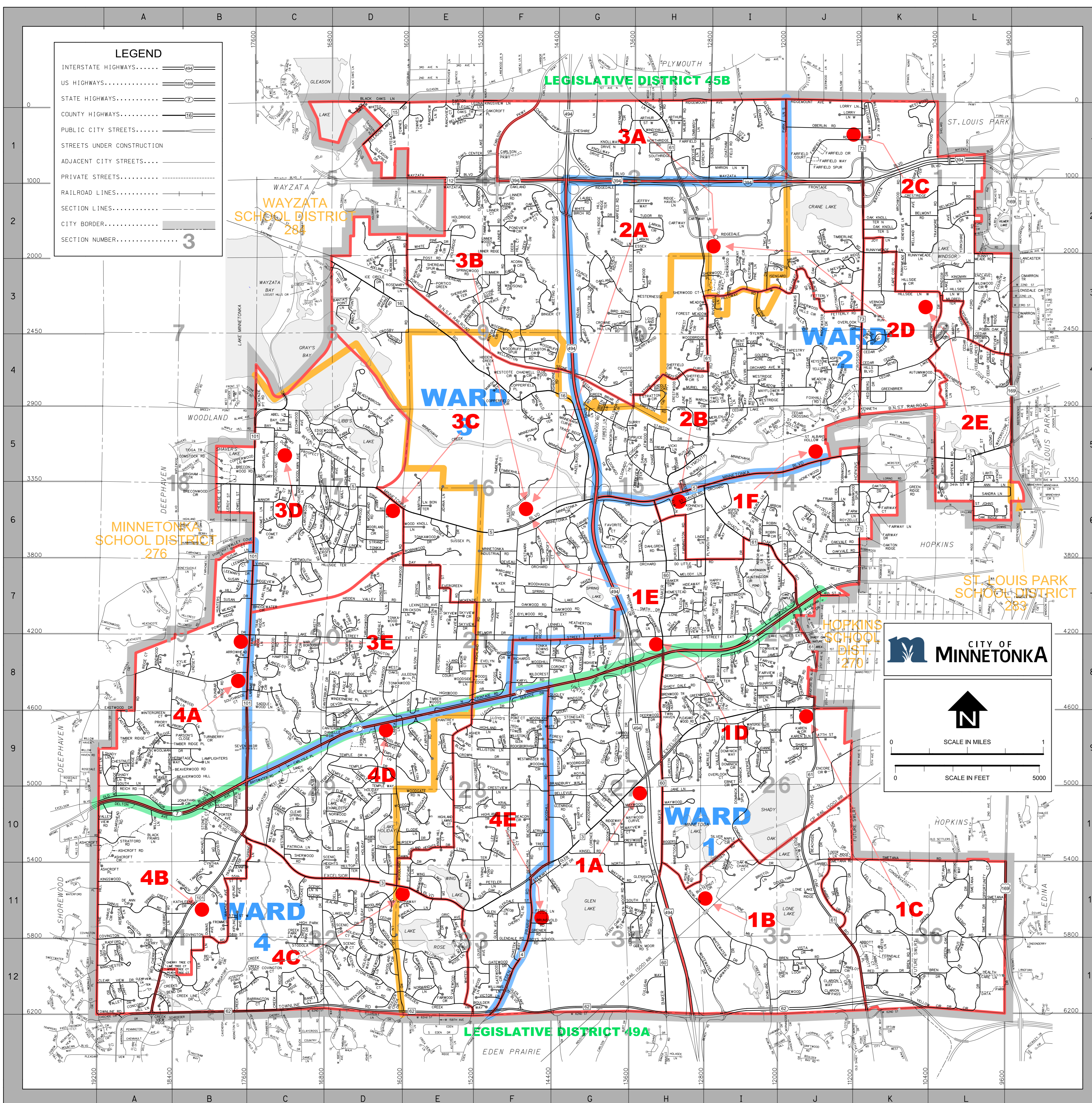
ELECTION PRECINCT MAP

LEGEND	
INTERSTATE HIGHWAYS.....	
US HIGHWAYS.....	
STATE HIGHWAYS.....	
COUNTY HIGHWAYS.....	
PUBLIC CITY STREETS.....	
STREETS UNDER CONSTRUCTION	
ADJACENT CITY STREETS.....	
PRIVATE STREETS.....	
RAILROAD LINES.....	
SECTION LINES.....	
CITY BORDER.....	
SECTION NUMBER.....	3

KEY

WARD BOUNDARIES (FOUR)	
PRECINCT BOUNDARIES (TWENTY THREE)	
LEGISLATIVE DISTRICT BOUNDARIES (THREE)	
SCHOOL DISTRICT BOUNDARIES (FOUR)	
POLLING PLACE (ADDRESS BELOW)	

1A	IMMACULATE HEART OF MARY 13505 EXCELSIOR BLVD
1B	OLD APOSTOLIC LUTHERAN CHURCH 5617 ROWLAND ROAD
1C	CROSS OF GLORY BAPTIST CHURCH 4600 SHADY OAK ROAD
1D	DESTINY HILL CHURCH 13207 LAKE STREET EXTENSION
1E	MINNETONKA COMMUNITY CENTER 14600 MINNETONKA BLVD
1F	MINNETONKA PUBLIC WORKS FACILITY 11522 MINNETONKA BLVD
2A	MINNETONKA COMMUNITY CENTER 14600 MINNETONKA BLVD
2B	ST. DAVID'S EPISCOPAL CHURCH 13000 ST. DAVID'S ROAD
2C	OAK KNOLL LUTHERAN CHURCH 600 HOPKINS CROSSROAD
2D	RIDGEDALE HENNEPIN COUNTY LIBRARY 12601 RIDGEDALE DRIVE
2E	ROYALS ATHLETIC CENTER 2400 LINDBERGH DRIVE
3A	RIDGEDALE HENNEPIN COUNTY LIBRARY 12601 RIDGEDALE DRIVE
3B	MINNETONKA COMMUNITY CENTER 14600 MINNETONKA BLVD
3C	BETHLEHEM LUTHERAN CHURCH 16023 MINNETONKA BLVD
3D	ST. LUKE'S PRESBYTERIAN CHURCH 3121 GROVELAND SCHOOL ROAD
3E	MINNETONKA UNITED METHODIST CHURCH 17611 LAKE STREET EXTENSION
4A	RIDGEWOOD CHURCH 4420 COUNTY ROAD 101
4B	MINNETONKA SCHOOL DISTRICT SERVICE CENTER 5621 COUNTY ROAD 101
4C	ALL SAINTS LUTHERAN CHURCH 15915 EXCELSIOR BLVD
4D	REDEEMER BIBLE CHURCH 16205 HIGHWAY 7
4E	BETHLEHEM LUTHERAN CHURCH - GLEN LAKE 5701 EDEN PRAIRIE ROAD





CITY COUNCIL

RULES OF PROCEDURE

Updated March 2, 2020

Table of Contents

PURPOSE	1
1. MEETINGS	1
1.1 Regular Meetings	1
1.2 Adjourned Meetings.....	1
1.3 Special Meetings	1
1.4 Emergency Meetings.....	1
1.5 Study Sessions.....	1
1.6 Notice of Meetings.....	1
1.7 Cancellation of Meetings	1
1.8 Quorum.....	2
1.9 Meetings to be Public	2
1.10 Minutes of Meetings	2
2. AGENDA PREPARATION	2
2.1 Deadline for Agenda Items	2
2.2 Delivery of the Agenda	2
3. ORDER OF BUSINESS	3
3.1 Agenda	3
3.2 Items Out of Order.....	3
3.3 Roll Call	3
3.4 Agenda Amendments	3
3.5 Reports from the City Manager and Council Members	4

3.6	Public Comments	4
3.7	Consent Agenda.....	4
3.8	Introduction of Ordinances	4
3.9	Public Hearings	4
4.	PRESIDING OFFICER.....	5
4.1	Presiding Officer.....	5
4.2	Call to Order	5
4.3	Participation of Mayor.....	5
4.4	Question to be Stated.....	5
4.5	Maintenance of Order.....	5
4.6	Powers.....	5
5.	RULES, DECORUM, AND ORDER.....	6
5.1	Points of Order	6
5.2	Decorum and Order – Council Members.....	6
5.3	Decorum and Order – Employees	6
5.4	Decorum and Order – Public.....	6
5.5	Enforcement of Decorum.....	7
5.6	Personal Privilege.....	7
5.7	Conflict of Interest.....	7
5.8	Limitation of Debate.....	7
5.9	Dissents and Protests.....	7
5.10	Procedures in Absence of Rules.....	7

5.11	Rulings of Mayor Final Unless Overruled.....	7
6.	ADDRESSING THE COUNCIL.....	7
6.1	Manner of Addressing the Council	7
6.2	Addressing the Council after Motion is Made	8
6.3	Limitations Regarding Public Comments and Reports	8
6.4	Written Correspondence.....	8
7.	MOTIONS	8
7.1	Motions Out of Order	8
7.2	Division of Question.....	8
7.3	Withdrawal of Motions	8
7.4	Precedence of Motions.....	9
7.5	Motion to Adjourn (not debatable)	9
7.6	Motion to Fix Hour of Adjournment.....	9
7.7	Motion to Suspend the Rules	9
7.8	Motion to Table.....	9
7.9	Motion to Limit or Terminate Discussion	9
7.10	Motion to Amend	9
7.11	Motion to Continue	9
7.12	Motion to Reconsider	10
7.13	Motion to Rescind or Repeal.....	10
8.	VOTING PROCEDURE	10
8.1	Voting Procedure.....	10

8.2	Failure to Vote	10
8.3	Adoption by Majority Vote.....	10
8.4	Failure to Achieve Required Votes	10
9.	AMENDMENT OF RULES.....	10

RULES OF PROCEDURE

The purpose of these rules is to provide guidelines for the conduct of the public business by or on behalf of the City Council. Non-compliance with or violation of any provision will not affect the validity of any action taken, unless otherwise specifically provided by law.

1. MEETINGS

1.1 Regular Meetings

The city council of the City of Minnetonka will hold meetings in the council chambers of the community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota, according to a schedule adopted annually by resolution no later than the first official meeting held in each year. No meeting will be held on a legal holiday, but a regular meeting may be held at the same hour on the next succeeding day that is not a holiday.

1.2 Adjourned Meetings

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.3 Special Meetings

Special meetings may be called by the mayor or any three members of the council, upon at least three days written notice to each member of the council. Notice must be delivered in person or electronically to each member.

1.4 Emergency Meetings

Emergency meetings may only be called by the mayor or any three members of the council upon at least four hours notice to each member of the council either in writing or by telephone.

1.5 Study Sessions

Members of the council will meet in study sessions according to the annual meeting schedule adopted by the council. The purpose of a study session is to give the city council and city staff the opportunity to study and discuss policy matters in greater detail in a less formal environment than a regular meeting. The council may provide direction to staff but does not take formal action on business matters at study sessions. When allowed by law and these rules, the council may vote to go into closed session at a study session. Individual council members may propose agenda items for future meetings at a study session, and the council may provide direction to the city staff regarding scheduling such matters. Public comment will not be allowed except as determined appropriate by the mayor.

1.6 Notice of Meetings

Notice of all regular meetings, regular study sessions, and special and emergency meetings must be consistently posted in a location designated by the city clerk.

1.7 Cancellation of Meetings

Meetings may be canceled by the mayor because of insufficient agenda items, lack of a quorum, inclement weather, and/or other similar reasons. Except for inclement weather

and other emergency situations, council members must be notified in writing delivered to their homes, by electronic message, or by telephone at least four hours in advance. The mayor may not cancel two or more consecutive meetings without the concurrence of a majority of all council members, except in situations of inclement weather or other emergency.

1.8 Quorum

A majority of the council, excluding vacant seats, is sufficient to do business. A majority is more than half. For the purposes of these rules, a vacant seat is a position on the council that is currently unfilled; it does not mean a seat whose incumbent is merely absent.

1.9 Meetings to be Public

Study sessions and all regular, continued, special or emergency city council meetings must be open to the public, except that the council may hold executive sessions from which the public is excluded when permitted by state law. A decision to hold a closed session must be made upon a motion to that effect, approved by at least a majority of the members present and voting .

1.10 Minutes of Meetings

The city clerk or designee will take minutes of all council meetings. For closed sessions of the city council, the minutes will reflect: the time at which the closed session was convened; the reason(s) and statutory authority stated on the public record for closing the meeting; council members present or participating remotely in the closed session; other persons in attendance or participating remotely in the closed session, except to the extent that the identities of those persons is required by law to be protected; and the time at which the closed session adjourned.

2. AGENDA PREPARATION

2.1 Deadline for Agenda Items

Unless approved by the city manager, no item will be placed on a city council agenda unless the request has been made to the city manager by the second Friday preceding the meeting at which consideration is requested. The city manager may choose not to schedule items for a particular meeting when, in his or her opinion, other business to be considered at that meeting will likely consume the available time. This rule does not preclude amendment of the agenda as provided in Rule 3.4.

2.2 Delivery of the Agenda

The agenda will ordinarily be delivered in person or electronically to council members by the Friday before the Monday meeting to which it pertains.

The agenda and all supporting material classified as public will also be available to the general public within a reasonable time after it is delivered to the city council.

3. ORDER OF BUSINESS

3.1 Agenda

The order of business of each meeting will be as contained in the agenda prepared by the city manager. The agenda will be a listing of subjects which will be taken up for consideration. For regular meetings, the agenda will be organized in the following order:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Special Matters
- Reports from the City Manager and Council Members
- Citizens Wishing to Discuss Matters not on the Agenda
- Bids and Purchases
- Consent Agenda – Items Requiring Four Votes
- Consent Agenda – Items Requiring Supermajority Vote
- Introduction of Ordinances
- Public Hearings and Related Matters
- Other Business
- Appointments
- Adjournment

3.2 Items Out of Order

With majority consent of the council, the mayor may at any time allow an item to be considered out of the regular agenda order.

3.3 Roll Call

Before proceeding with the business of the council, the city clerk or designee will call the roll of the council members and record their attendance in the minutes. The order of roll call will rotate with each council member being called first every sixth meeting. The mayor will always be called last.

Council members will be noted in the minutes as being excused if they advised the city manager within a reasonable time in advance of their impending absence.

3.4 Agenda Amendments

Once the city manager has formalized and transmitted the agenda to the city council along with accompanying material, no items will be added or deleted before the council

meeting. A majority of the council may amend the agenda during “Approval of the Agenda,” except that an item may not be added to the agenda of a special or emergency meeting if the item was not included in the notice for the meeting.

3.5 Reports from the City Manager and Council Members

The city manager may report on upcoming events or matters of interest. Council members may report on recent or upcoming events or matters of interest.

3.6 Public Comments

During “Citizens Wishing to Discuss Matters not on the Agenda,” any person may address the council on a matter that pertains to city business and is not listed on the agenda.

Members of the public also are allowed the opportunity to comment during public hearings. For matters on the agenda that are not public hearings, the mayor has discretion whether to allow public comment.

All public comments are subject to Rule 5.4 and Rule 6 of these Rules of Procedure.

3.7 Consent Agenda

The city manager will place routine and non-controversial items on the consent agenda. Except as noted below, these items may be approved by one blanket motion upon unanimous consent of the council members present. A council member or member of the audience may request that an item be removed from the consent agenda for separate consideration. A council member may abstain from voting on, or vote against, any consent agenda item without requesting its removal.

3.8 Introduction of Ordinances

Except for emergency ordinances, an ordinance must be considered by the city council at two regular meetings before adoption, and at least seven days must elapse between the two meetings. At the first meeting, the ordinance is introduced. The city council may discuss and/or refer the ordinance to an advisory board for review and public comment. The ordinance will be placed on a second meeting agenda for adoption.

3.9 Public Hearings

Generally, public hearings will be conducted in the following order:

- Introduction of item
- Staff report and recommendation
- Questions of staff by council
- Opening of the hearing by the mayor
- Comments by applicant
- Comments by the audience
- Closing of the hearing
- Questions by council
- Discussion by council
- Action by council

4. PRESIDING OFFICER

4.1 Presiding Officer

The mayor is the presiding officer at all meetings of the council. In the absence of the mayor, the acting mayor will preside. In the absence of both the mayor and acting mayor, the alternate acting mayor will preside. At its first regular meeting in January, the council, by a majority vote, will designate an acting mayor and an alternate acting mayor. A reference to the mayor in these rules also means the acting mayor, the alternate acting mayor, or other council member if the person is serving as the presiding officer in place of the mayor.

4.2 Call to Order

The mayor will call the council meeting to order. In the absence of the mayor, the acting mayor, and the alternate acting mayor, the meeting will be called to order by the city manager who will immediately call for the selection of a temporary presiding officer.

4.3 Participation of Mayor

The mayor may move, second, and debate from the chair, subject only to the same limitations of debate imposed on all council members. He or she is not deprived of any rights and privileges of a council member by reason of acting as presiding officer. However, the mayor is primarily responsible for the conduct of the meeting. If he or she desires to personally engage in extended debate on questions before the council, he or she should consider turning the chair over to another member.

4.4 Question to be Stated

The mayor must verbally restate each question immediately prior to calling for the vote, upon request from any council member. Following the vote, the mayor will verbally announce whether the question carried or was defeated. The mayor will also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

4.5 Maintenance of Order

The mayor is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the mayor. All questions and remarks must be addressed to the mayor, or through the mayor to the appropriate council member, staff member, or other person in attendance.

4.6 Powers

The mayor has the following powers:

- (a) to rule motions in or out of order, including any motion obviously offered for obstructive or dilatory purposes;
- (b) to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) to entertain and answer questions of parliamentary law or procedure;
- (d) to call a brief recess at any time; and
- (e) to adjourn in an emergency.

A decision under (a), (b), or (c) may be appealed to the council upon motion of any member. This motion is in order only immediately after the challenged decision is announced. The member making the motion need not be recognized by the mayor, and the motion may not be ruled out of order if it is made timely.

5. RULES, DECORUM, AND ORDER

5.1 Points of Order

The mayor will determine all points of order subject to the right of any member to appeal to the council. If any appeal is taken, the question will be, "Should the decision of the mayor be sustained?" A majority vote will govern and conclusively determine the question of order.

5.2 Decorum and Order – Council Members

- a) A council member desiring to speak must address the mayor and upon recognition, must address only the question under debate.
- b) A council member desiring to question the staff must address the question to the city manager or city attorney, in appropriate cases, who will respond to the inquiry or designate a staff member to do so.
- c) A council member, once recognized, may be interrupted while speaking only if called to order by the mayor, a point of order is raised by another council member, or the speaker chooses to yield to questions from another council member.
- d) A council member called to order while speaking must cease speaking immediately until the question of order is determined. If ruled to be in order, he or she may proceed. If ruled to be not in order, he or she must remain silent or alter his or her remarks so as to comply with rules of the council.
- e) Council members must accord courtesy to each other, to city employees and to the public appearing before the council and must refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- f) A council member may move to require the mayor to enforce the rules. Upon the affirmative vote of a majority of the council, the mayor must do so.

5.3 Decorum and Order – Employees

Staff members must observe the same rules of procedure and decorum applicable to members of the council. The city manager must ensure that they observe such decorum. Any staff member, including the city manager, desiring to address the council or members of the public must first be recognized by the mayor. All remarks must be addressed to or through the mayor.

5.4 Decorum and Order – Public

Members of the public attending council meetings must observe the same rules of order and decorum applicable to the council. The mayor may order the removal of any person who makes inappropriate remarks or who becomes boisterous while addressing the council and bar that person from further audience with the council.

5.5 Enforcement of Decorum

The city manager must carry out the orders and instruction of the mayor for maintaining order and decorum in the council chambers.

5.6 Personal Privilege

The right of a member to address the council on a question of personal privilege is limited to cases in which his or her integrity, character, or motives are questioned or impugned.

5.7 Conflict of Interest

Any council member prevented from voting because of a conflict of interest, must refrain from debate and voting. That council member may choose to leave the council chambers during debate and voting on the Issue.

5.8 Limitation of Debate

A council member normally should speak only once on a subject until every other member choosing to speak has done so.

5.9 Dissents and Protests

A council member has the right to express dissent from or to protest any action of the council. A council member wishing to have the dissent or protest entered in the minutes should state so with language such as "I would like the minutes to show that I am opposed to this action for the following reasons:"

5.10 Procedures in Absence of Rules

In the absence of a rule to govern a point or procedure, Robert's Rules of Order, Newly Revised, should be used as a guide.

5.11 Rulings of Mayor Final Unless Overruled

The mayor will decide all questions or interpretation of these rules, point of order or other questions of procedure, requiring ruling. Unless overridden or suspended by a majority vote of the members present and voting, a ruling is final and binding for purposes of the matter under consideration.

6. ADDRESSING THE COUNCIL

6.1 Manner of Addressing the Council

A member of the public desiring to address the council must proceed to the podium and wait to be recognized by the mayor. After being recognized, he or she must state his or her name and address for the record.

All remarks and questions must be addressed to the mayor and not to an individual council member, staff member or other person. Except as allowed by Rule 3.6 for comments on matters not on the agenda, all remarks must be limited to the agenda items under consideration. No person may enter into any discussion without being recognized by the mayor.

6.2 Addressing the Council after Motion is Made

After a motion has been made, or after a public hearing has been closed, no person may address the council without first securing permission from the mayor.

6.3 Limitations Regarding Public Comments and Reports

The mayor may limit or rule out of order a speaker who addresses the council on a topic that is currently before, or about to be submitted for consideration by, a city commission, board or other agency. If an appeal procedure is or was available, the mayor may not allow oral communication to the council outside that procedure. This rule is intended to ensure that a matter follows the appropriate process and that discussion takes place in the proper forum.

The mayor may establish reasonable limitations on public comment, including, but not limited to: limiting the total time available for public comment; establishing a per-speaker time limitation; and restricting speakers from speaking more than once. In establishing the time limits, the mayor may consider, among other things, the number of items on the agenda, the number of persons present desiring to speak on agenda items, and the number of previous meetings at which persons have had an opportunity to comment on the agenda item(s).

6.4 Written Correspondence

The city manager or designee is authorized to open and attend to all mail addressed to the mayor or council not marked "personal" and that appears to relate to city business. All administrative business in those communications that does not require council action may be disposed of between council meetings. A copy of any communication to the council must be sent to each council member weekly. Correspondence to the mayor or individual members not of general interest to the council should be forwarded to the person addressed.

A communication delivered to city hall relating to a matter pending, or to be brought before city council, must be included in the agenda packet for the meeting at which the item is to be considered. Letters of appeal from administrative or commission decisions must be processed under applicable ordinance provisions.

7. MOTIONS

7.1 Motions Out of Order

A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

7.2 Division of Question

If the question contains two or more propositions, the mayor may, and upon request of a member must, divide the same.

7.3 Withdrawal of Motions

A motion may not be withdrawn by the mover without the consent of the person seconding it.

7.4 Precedence of Motions

When a motion is before the council, only procedural motions may be considered, in order of priority listed below. Unless otherwise noted, each motion listed below is debatable, may be amended, and requires a majority vote of those members present and voting for adoption.

7.5 Motion to Adjourn (not debatable)

A motion to adjourn is in order at any time except:

- a) when made as an interruption of a member while speaking;
- b) when discussion has ended, and vote on a motion is pending; and
- c) while a vote is being taken.

7.6 Motion to Fix Hour of Adjournment

Unless otherwise agreed by at least a majority of the council, all meetings and study sessions of the council must be adjourned by 12:00 midnight. A motion to set a different, specific time at which to adjourn, is not debatable and not subject to amendment except by unanimous vote of all members present.

7.7 Motion to Suspend the Rules

A motion to suspend provisions of these rules may be approved only by a vote equal to at least two-thirds of the actual membership of the council, excluding any vacant seats.

7.8 Motion to Table

A motion to table is not debatable and precludes all amendments or debate of the subject under consideration. If the motion prevails, the matter may be “taken from the table” at any time prior to the end of the next regular meeting, unless the motion is to either table indefinitely or to a date certain. If the motion is to table indefinitely, the matter may not be rescheduled without at least majority approval of the council.

7.9 Motion to Limit or Terminate Discussion

A motion to limit or terminate discussion may be used to limit or close debate on, or prohibit further amendment to, the pending motion. It is not debatable. If the motion fails, debate must be reopened; if the motion passes, a vote must be taken on the pending motion.

7.10 Motion to Amend

A motion to amend is debatable only as to amendment. A motion to amend an amendment is in order, but a motion to amend an amendment to an amendment is not in order. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order. A substitute motion on the same subject is acceptable, and voted on before a vote on the amendment. Amendments must be voted first, then the main motion as amended.

7.11 Motion to Continue

Motions to continue to a definite time are amendable and debatable as to propriety and time set.

7.12 Motion to Reconsider

A motion to reconsider action already taken must be made by a member who voted with the prevailing side, which is the majority side except that in the case of a tie, the "no's" prevail. The motion must be at the meeting during which the original vote was taken, including any continuation of that meeting. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment. If a motion to reconsider is adopted, the prior action taken by the council is rescinded, and the matter is returned to the status that it had immediately before the prior vote was taken. The motion previously voted upon will once again be pending.

7.13 Motion to Rescind or Repeal

A motion to rescind or repeal action previously taken is appropriate when the time for reconsideration has expired. A motion is not in order if rescission or repeal of an action is forbidden by law. If a motion to rescind or repeal fails, no motion to rescind or repeal the same action is in order until 12 months have elapsed after the failed motion.

8. VOTING PROCEDURE

8.1 Voting Procedure

The vote on each motion will be taken by roll call and entered in the minutes. The order of voting will be rotated each meeting with the mayor voting last. The clerk will call the names of members seated. Members will respond "yes," "no," or "abstain."

8.2 Failure to Vote

Every council member present must vote unless disqualified for cause.

8.3 Adoption by Majority Vote

Unless state laws, city charter, city ordinances, or these rules require a different number of votes, council motions must be adopted by a majority of all members of the council then holding office who are able to vote on the matter, whether or not they are in attendance.

8.4 Failure to Achieve Required Votes

A matter that fails to achieve the required number of votes for passage, including a tie vote, is deemed denied. The council members voting in opposition must state their reasons for the record. A matter is not deemed denied if the council continues the matter to another council meeting, by a motion adopted by a majority of members present and voting.

9. AMENDMENT OF RULES

These rules may be amended at any regular meeting or at a special meeting that includes amendment of the rules as one of the stated items to be considered. Adoption of an amendment requires an affirmative vote equal to at least two-thirds of all members of the council, excluding vacant seats.



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

Political campaign signs

Minnetonka does not have a sign regulation that is specific to “political campaign signs.” Typical campaign and issue signs are considered “temporary non-commercial signs” under Minnetonka ordinance. The following rules apply to temporary non-commercial signs in residential zoning districts:

- Signs must be located at least five feet from the edge of a public street and must not obstruct driver visibility at intersections.
- Consent of the property owner is required.
- A maximum of 3 signs are allowed per property.
- Signs must be no larger than 6 square feet. (During state general election years, there is no maximum size.)
- A maximum of 18 square feet of signage, in the aggregate, is allowed per property. (During state general election years, there is no maximum aggregate square footage.)
- Signs must not be attached to fences, trees or utility poles.

If you have any questions, please call (952) 939-8290.



**MINNETONKA
COMMUNITY**

MINNETONKA CITY COUNCIL
(Economic Development Authority)

Mayor Brad Wiersum

Council Members at Large: Ward Representation
 Seat A: Deb Calvert Ward 1: Brian Krik
 Seat B: Dr. Kimberly Wilburn Ward 2: Rebecca Schack
 Ward 3: Bradley Schaeppi
 Ward 4: Kissy Coakley

City Attorney
Corrine Heine

CITY MANAGER
Mike Funk

BOARDS & COMMISSIONS
 Charter Commission
 Planning Commission
 Economic Development Advisory Committee
 Park Board
 Senior Citizen Advisory Board
 Sustainability Commission

PUBLIC SAFETY

PUBLIC WORKS

RECREATION

**DEVELOPMENT
SERVICES**

ADMINISTRATION

POLICE
Chief Scott Boerboom

Patrol
Investigation
Support Services

PUBLIC WORKS
Will Manchester

Streets
Water & Sewer
Engineering
Parks, Buildings &
Grounds
Natural Resources
Recycling

**RECREATION
SERVICES**
Kelly O'Dea

Recreation programs
Ice Arena
Williston Center
Gray's Bay Marina
Senior Services

**COMMUNITY
DEVELOPMENT**
Julie Wischnack

Inspections
Environmental Health
Licensing
Planning & Zoning

**ADMINISTRATIVE
SERVICES**
Moranda Dammann

City Clerk & Elections
Human Resources
Payroll
Information Technology
Communications
Risk Management

FIRE
Chief John Vance

Emergency Management
Inspection
Prevention
Response

LEGAL
Corrine Heine

Prosecution
Legal advice to the city

FINANCE
Darin Nelson

Accounting
Budget
Utility Billing
Assessing
Special Assessments



CITY OF
MINNETONKA

CITY ORGANIZATION

Administrative Services

Areas of Responsibility

1. City Manager
2. General Administration
3. Human Resources
4. City Clerk
5. Communications
6. Technology
7. Risk Management/Insurance

Explanation of Responsibilities

This department has a variety of functions. The city manager and city council receive support from the Administrative Services department, and the assistant city manager serves as the department director.

1. City Manager
The city manager is responsible for managing the day-to-day operations of the city, including communication with the mayor and council members; overall administration of the city's policies and procedures; and review and approval of the city council agenda and council update. The city manager directs the preparation of the annual operating budget and the capital improvements program (CIP). The city manager also serves as a liaison between the city and outside agencies.
2. General Administration
This includes preparation of the city council meeting agendas/packets and the weekly council update, as well as coordination of appointments, recognition, and training for boards and commissions members. This also includes the city hall information desk and reception area.
3. Human Resources
Human resources is responsible for personnel policies and procedures; compensation and benefits administration; employee relations; labor relations; workers compensation; training; individual performance management; safety and wellness programs; and recruitment.
4. City Clerk
The city clerk maintains official city records; prepares minutes of city council meetings; and maintains data practices standards, serving as the city's designated Responsible Authority for data practices. The city clerk is responsible for elections and city court and provides oversight of the Minnetonka Mike citizen request system. This division is the liaison to the Minnetonka Historical Society.

5. Communications

The communications division is responsible for all of the city's internal and external communications and marketing, including: brand and image management, crisis communications, online and electronic communications, media relations, printed publications and social media.

6. Technology

The technology division provides support for city computers, telephones, copiers and fax machines. This division also is responsible for programming the city's cable channel, including cable casting of city council, planning commission, and park board meetings. Expansion of the city's fiber optics is managed by this division.

7. Risk Management/Insurance

This involves management of the city's insurance coverage, coordination of risk management activities, handling of liability and property claims, and management of the city's business continuation plan.

8. Miscellaneous Activities

Other activities include oversight and administration of the cable television franchise fund; providing staff liaison to the park board; coordination with other governmental agencies on matters of mutual interest; oversight of the Employees In Action (EIA) committee; and management of the organizational and departmental performance management system (includes the annual resident survey).

Community Development

Areas of Responsibility

1. Building Inspections
2. Environmental Health
3. Planning
4. Subdivision Regulations
5. Housing and Redevelopment
6. Licenses

Explanation of Responsibilities

Community development staff work actively to educate residents and businesses about code compliance and to assist them in developing a safer, well-planned, and healthier community. We believe education must be a central focus in our work, and substantial effort is put into sharing clear, timely information with residents and businesses.

1. Building Inspections

The city issues permits and conducts plan reviews and field inspections to ensure compliance with the State Building Code.

2. Environmental Health

This division licenses facilities including food establishments (with inspection frequency based on health risk), public swimming pools and spas, and lodging facilities. Environmental health also investigates food-related complaints and suspected illnesses. Nuisance ordinance complaints require increased staff attention.

3. Planning and Zoning

The comprehensive plan is the city's long-range guide to how property should be developed or redeveloped.

The zoning ordinance defines the current rights that owners have for their properties. The zoning ordinance regulates many aspects of land use, such as the type of use, sign regulations, grading permits, landscaping requirements and environmental regulations. Environmental regulations include ordinances that protect wetlands, steep slopes, trees, shorelines and floodplains. Zoning changes require review by the planning commission and approval by the city council, and the planning staff serves as liaison to the planning commission.

4. Subdivision Regulations

The ordinance regulates the division of property. Regulations address standards for minimum lot size, lot widths, street right-of-way widths and design of new

subdivisions. This ordinance also includes the requirement for park dedication fees. These fees are used to buy or improve city parks. Most subdivisions require review by the planning commission and approval by the city council.

5. Housing and Redevelopment

The city provides housing rehabilitation grants, loans and certain other housing assistance programs. Tax increment financing, tax abatement and housing and industrial development bond financing are also coordinated through community development. The department also coordinates the housing and redevelopment levy. The department staffs Minnetonka's Economic Advisory Commission, which undertakes transit issues, affordable housing and economic development efforts such as aiding the Homes Within Reach land trust, adding affordable units in condominium/townhome developments, and revitalizing village centers around the community.

6. Licensing

The city licenses on- and off-sale liquor establishments, food and lodging establishments, peddlers/solicitors, contractors, and certain other businesses. Inspection staff monitors licensees for code compliance.

Engineering

Areas of Responsibility

1. Capital Improvement Projects
2. Municipal State Aid Street System
3. Pavement Management
4. Water Resources Management
5. General Engineering/Development Review
6. Traffic Control
7. Street Lighting
8. Property and Easement Acquisition

Explanation of Responsibilities

1. Capital Improvement Projects

Capital Improvement Projects (CIP) are initiated by public petition, council direction, and/or staff recommendation. Each year, an updated version CIP is prepared which reflects proposed improvements over the ensuing five-year period. Once council has prioritized prospective projects, those scheduled for the following year are authorized for feasibility study. At that point, the engineering department surveys the project areas, prepares preliminary designs, evaluates alternates, holds neighborhood meetings, and presents a recommendation to council in the form of a feasibility report.

2. Municipal State Aid Street System

The city is allowed to designate up to 20 percent of existing streets as Municipal State Aid Streets and these streets generally act as collector streets carrying higher volumes of traffic. The city's share of state gasoline tax dollars can be used to upgrade and maintain these streets to municipal state aid standards. The scheduling of improvements on these streets is addressed within the Capital Improvements Program.

3. Pavement Management

The city uses a computer software system to provide an objective method of scheduling maintenance or reconstruction activities at the appropriate time so as to maximize the life cycle of the street for the minimum capital outlay.

4. Water Resources Management

All water related improvements within the city are constructed in accordance with the city's Water Resources Management Plan. The Water Resources Management Plan looks at these resources on a city-wide basis rather than just an individual area. The Water Resources Management Plan has recently been updated to incorporate all of the new regulations that have been established by

various agencies.

5. General Engineering/Development Review

The department maintains records on all public improvements that have been made within the city. The department also prepares feasibility reports and performs inspections for most capital improvement projects. Some of the other duties that the department is responsible for are the preparation of base maps, utility service cut-ins, and street sign placement. The engineering department also provides development review of utilities, drainage, and streets.

6. Traffic Control

Installation of traffic control devices are initiated by citizen request, council direction, and/or staff recommendation. Typically, a report is presented to council once or twice a year with staff recommendations for the installation of traffic control devices that are felt to be justified. Traffic control devices that are not regulatory in nature but simply provide warning or directional information are reviewed and ordered installed where appropriate on an administrative basis.

7. Street Lighting

The street lighting policy provides the city engineer with the authority to place street lights at intersections, at the ends of cul-de-sacs, at sharp turns and steep hills on city streets, and at the entrance to or within publicly owned parking facilities. Street light installation is considered on a request basis.

In some parts of the city, decorative street lighting systems are in place. These were typically placed as part of subdivision improvements under an agreement with the city whereby the property owners reimburse the city for the monthly charges as part of the quarterly utility billing. The policy also contains provisions for existing neighborhoods to petition the city for this type of lighting system.

8. Property and Easement Acquisition

Right-of-way, easement, and property acquisition by the city must be done in accordance with specific legal requirements. Initial land values are established by city staff as part of the feasibility process. Independent fee appraisals are often necessary due to the complexities of acquisition by public agencies. Staff reviews these appraisals to ensure compliance with the governing laws. Offers are made based on the appraisals, with the final price subject to negotiation. If negotiations fail, condemnation action is initiated by the legal department.

The department also reviews final plats and lot divisions prior to final approval in order to prepare the necessary easements and restrictive covenants, and reviews other matters relating to ownership and legal descriptions. The department is also responsible for recording city related property transfers at the Hennepin County Courthouse.

Finance

Areas of Responsibility

1. Accounting
2. Accounts Payable and Receivable
3. Cash Management
4. Financial Reports
5. Payroll
6. Property Assessment
7. Purchasing
8. Utility Billing

Explanation of Responsibilities

1. Accounting

The finance department currently maintains a complete set of books on thirty separate funds. These funds include one general fund, seven special revenue funds, two debt service funds, twelve capital project funds, one permanent fund, two internal service funds, six enterprise funds, three private-purpose trust funds, and one agency fund. All accounting transactions are maintained on the J.D. Edwards financial management system of LOGIS, a joint powers agency formed to provide municipal computer applications.

2. Accounts Payable and Receivable

The claims lists approved by the city council are prepared by the accounting clerk, and on a monthly basis, we generate around 600 accounts payable checks. In recent years, more claims are being paid electronically as financial and banking technologies are developed.

The department regularly invoices various parties under multiple contracts. Cash and other revenues are received, both electronically and in hard copy, from every revenue-generating program in the city, coded and deposited on a daily basis.

3. Cash Management

City investments are made in accordance with Minnesota Statutes and an even more restrictive investment policy adopted by the city council. Interest earnings vary from year to year with market yields, and month end investment balances generally moves between \$50 million to \$75 million throughout any given year per cash flow requirements.

4. Financial Reports

The finance department also develops the annual budget, the five-year capital improvement program, and the comprehensive annual financial report.

5. Payroll

The payroll system is maintained on the JD Edwards software at LOGIS. The department prepares payroll checks every two weeks for around 445 employees and maintains over 750 employee records. About half of the payroll checks are for full-time employees and the balance are for part-time, seasonal employees. Personnel costs comprise approximately three-quarters of the city's general fund operating costs.

6. Property Assessment

The assessing division values over 20,500 parcels of real property in the city, as required by state law. Value notices are mailed in March. Staff addresses property owners' concerns or appeals in person or over the phone prior to a formal hearing conducted by the city council sitting as the Local Board of Assessment and Equalization in April. Local real estate professionals advise the council when considering market value appeals. This division also administers the homestead classification and provides basic information on property characteristics. While overall market values generally have declined at the end of the 2000s and early 2010s, total market value of property in the city has been between \$8.2 to \$8.5 billion in recent years.

7. Purchasing

The city belongs to the Hennepin County Cooperative Purchasing Group. The county purchasing staff prepares bids and specifications for the majority of items a governmental unit uses. As a member of the group, the city is able to purchase under the county contract. Approximately 60% of our purchases are made through the cooperative purchasing group.

The city is also able to purchase under all state of Minnesota contracts. We estimate that 10% of our purchases are made in this way.

8. Utility Billing

Utility billing is another function accomplished with a software application provided through the LOGIS consortium. Approximately 65,000 utility bills are generated each year for around 16,800 customer accounts to generate total revenues of around \$12 million, depending upon the precipitation in any given year. The city began offering electronic billing to customers in 2012 as an increasing number of them are paying electronically as well.

Water utility rates are structured to provide incentives to conserve water with higher rates for greater users. The city's rate for sewer treatment incorporates costs for treatment services provided by the Metropolitan Council, a multi-county government serving the Twin Cities area, and is based on the winter quarter water usage, which reflects that warm weather irrigation does not require sewer treatment. These rates are monitored annually and increased as necessary to

support operating, maintenance and infrastructure costs of the system.

Additionally, city utility bills include storm water fees to improve the city's storm water system, lake, and creek water quality, as well as environmental fees to provide residential recycling services and improvements to the city's green spaces.

Fire & Emergency Management

Areas of Responsibility

1. Fire Suppression/Safety
2. Training/Compliance
3. Prevention/Public Education
4. Emergency Management
5. Administration

Explanation of Responsibilities

The fire department is classified as a combination department, with 5 full-time staff and 80 paid-on-call firefighters. There is a three person crew at Station #1 on duty 24 hours a day.

1. Fire Suppression

Fire suppression is conducted from five fire stations strategically located throughout the city. Equipment includes eight pumpers, five ladder trucks, two grass trucks, one water rescue unit, an air truck and ten staff and utility vehicles.

The department responds to over 3000 emergency calls each year. All full-time and paid-on-call personnel are Minnesota State Certified Firefighters, and respond to emergency calls as appropriate.

The department has an aggressive safety program designed to provide a safe environment for the firefighters. Accidents and injuries are held to minimum levels while performing dangerous entries.

2. Training/Compliance

Firefighter training is a vital component of any emergency response organization. The fire department conducts four evening and four daytime drills each month, each being three to four hours in length. The subjects covered include fire suppression, rescue, hazardous materials, emergency medical care, water rescue and disaster preparedness. Drills are conducted to ensure compliance with OSHA, NFPA and ISO standards and requirements. OSHA mandated health and respiratory screening is also conducted during the annual drill cycle.

3. Prevention/Public Education

Fire prevention activities include the inspection of existing buildings for compliance with the 2007 Minnesota State Fire Code, as well as plan review and inspection of all newly installed fire sprinkler, fire alarm and flammable liquid systems. Fire prevention education programs are also conducted in every grade school in the city. This program is seen by approximately six thousand children each year, and culminates in the annual fire department Open House, which

attracts approximately five thousand visitors each year. The fire department's new "What If" program is an all hazards program that addresses issues most likely to affect residence and businesses of Minnetonka. Fire investigations are conducted on all fires to determine the cause and origin of each. Fires determined to be arson are referred to the police department for further investigations.

4. Emergency Management

The fire chief is the director of emergency management, and as such, the fire department serves as the lead agency for emergency preparedness.

The city has a well-established "all hazard" emergency plan that is tested annually with full-scale drills and actual situations. The plan is adjusted and revised to reflect lessons learned in these hands-on events. Currently, the fire chief, assistant chief and administrative assistant are federally certified emergency managers.

5. Administration

Administration consists of many aspects of the fire department. This includes payroll for the paid-on-call firefighters, duty crew scheduling, duty crew assignments, accounts payable, entry of fire incidents and fire training records, health rewards committee, safety committee, IT committee, budget and other tasks as assigned.

Legal

Areas of Responsibility

1. Legal Advice to City Council and Staff
2. Criminal Prosecution Services
3. Staff Liaison to the Charter Commission

Explanation of Responsibilities

1. Legal Advice to City Council and Staff

The legal department provides legal advice to city council and staff. Most of the city's legal work is done by its in-house legal staff. Outside attorneys are retained when the staff has a conflict of interest, when the caseload requires some extra assistance, and when special expertise is needed, such as for municipal bonds, redevelopment, and condemnation. In-house city attorneys are unusual in the Twin Cities area. The only other cities in Hennepin County with in-house staff are Minneapolis and Bloomington.

2. Criminal Prosecution Services

The legal department prosecutes petty misdemeanor, misdemeanor, and gross misdemeanor criminal violations occurring in Minnetonka. These cases come primarily from the Minnetonka police department, but also from the Minnesota State Patrol, Hennepin County sheriff's department, and city enforcement staff.

3. Staff Liaison to the Charter Commission

The legal department also provides staff support to the charter commission. The department prepares staff reports, takes minutes, and attends all meetings.

Police Department

Areas of Responsibility

1. Patrol Division
2. Investigative/Support Services Division
3. Administration

Explanation of Responsibilities

To meet the needs of the community, there is a public safety overlay for planning and coordination of the police and fire departments. The police chief and the fire chief/emergency management director work collaboratively to accomplish these goals and ensure seamless service. The police department has 56 authorized sworn positions and 22 support personnel.

1. Patrol Division

There are 30 sworn officers, eight sergeants, one captain and 2.5 non sworn community service officers assigned to the patrol division. The officers employ a variety of problem solving tools when working in their assigned districts within the community.

The city has three officers who concentrate on traffic congestion and speeding. The traffic initiative utilizes an approach of education, enforcement and engineering. In 2003, the department completed a federally funded Teen Safe Driver Initiative with Plymouth and Maple Grove, but continues to deliver the Teen Traffic Diversion program with both communities. It also participates in a Safe and Sober Grant with Plymouth and Maple Grove, as well as Operation Night Cap.

The department has a 48-hour holding facility that can be used for temporarily holding arrested persons.

Approximately 36 reserves, explorers and chaplains augment the police department by assisting in community events and non-enforcement related activities.

2. Investigative/Support Services Division

This division is made up of the investigative services, records and Public Safety Answering Point (PSAP). One captain provides the oversight of the three functions. Investigative services is composed of two sergeants, seven investigators, four school liaison officers, one crime prevention analyst and a property room specialist. Felony and gross misdemeanor cases are presented to the Hennepin County Attorney's office and misdemeanor cases are presented to the Minnetonka city attorney's office.

Two investigators from this division are assigned to investigative retail crime and operate out of a substation in the Ridgedale retail shopping complex. These officers are responsible for criminal activity occurring in the Ridgedale corridor, as well as the Highway 7 and 101 areas.

One investigator is assigned to the Southwest Hennepin County Drug Task Force which includes the cities of Edina, Eden Prairie and the Hennepin County Sheriff's Office.

The police enjoy a close working relationship with the Hopkins, Minnetonka and Intermediate #287 school districts. Four officers are assigned as school liaison officers. Counter-Act drug demand reduction education is being presented by school liaison officers to fifth graders in the Minnetonka School District and Project Alert is being presented by the liaison officers and teachers in the Hopkins School District.

A crime prevention analyst coordinates 165 Neighborhood Crime Watch groups in the city, as well as making public presentations to school children and park programming.

Support services include 13 non-sworn employees responsible for records and dispatching services. The department provides its own Public Safety Answering Point staffed by eight full time 9-1-1 dispatchers. In 2004, a new records and dispatch software system was implemented, and the police department converted its radio system to the 800 MHz regional radio system which provides enhanced interoperability with neighboring agencies.

3. Administration

The chief of police, each division captain and 1.5 support staff provide administrative functions of the department.

Public Works Department

Areas of Responsibility

1. Street and Right-of-Way Maintenance
2. Park and Trail Maintenance
3. Recycling
4. Building Maintenance
5. Natural Resources Management
6. Fleet Services
7. Sewer Utility System Maintenance
8. Water Pumping, Storage and Distribution

Explanation of Responsibilities

1. Street and Right-of-Way Maintenance

The primary responsibility is the maintenance of 254 miles of local streets. The division is responsible for maintaining road pavements, pavement markings, snow and ice control, right-of-way vegetation, selected traffic signals, street signage and storm water drainage facilities.

2. Park and Trail Maintenance

Responsible for the maintenance of 5 community and 45 neighborhood parks. Provide site support for the Minnetonka-Hopkins Recreation Program and all adult and youth community athletic organizations utilizing city athletic fields. Maintain turf at 96 sites as well as 17 athletic fields. Provide maintenance for 70 miles of trails and 29 miles of sidewalks. Build and maintain ice for 20 rinks at 9 sites.

3. Recycling

Responsible for the city's recycling programs: curbside and drop-off recycling program, brush drop-off program, spring and fall leave drop-off programs, two special drop-off events and Hennepin County household hazardous waste community drop-off program.

In 2012, 5,441 tons of material was recycled; 5,135 tons picked up curbside and 367 tons received from resident drop-offs.

4. Building Maintenance

Responsible for the maintenance and repair of 14 community- owned buildings. Provide electrical, mechanical, and physical plant maintenance services.

Specialized repairs are performed by outside contractors. In 2012, 2,373 work orders were completed.

5. Natural Resources Management

Responsible for the city's reforestation effort and the shade tree disease control program. In 2012, 1,208 trees were sold to 648 property owners as part of the city's annual community tree sale and 1,204 trees were identified for removal due to Dutch elm disease and oak wilt and. An annual Arbor Day event was held in May, 2012 and the city received its' Tree City USA designation for the 19th consecutive year.

Oversees the Natural Resource Stewardship Program which controls non-native invasive species such as buckthorn, garlic mustard and purple loosestrife in order to restore the native plant communities in our parks. Over 310 acres of woods, prairies, and wetlands are under active restoration.

Responsible for development review and construction site inspection as it relates to natural resources. In 2012 over 200 building and grading permits were reviewed and inspected for compliance with city regulation with an additional 350 on-going inspections to protect our wetlands, lakes and trees from the impacts of construction activity and erosion.

6. Fleet Services

Responsible for the procurement and maintenance of the city's motorized fleet as well as support equipment such as pumps, compressors, generators and small tools. Currently there are approximately 194 pieces of rolling stock that consume 150,000 gallons of fuel annually. Specialized repairs are performed by outside specialty shops.

7. Sewer Utility System Maintenance

Responsible for the operation and maintenance of the city's 260-mile sanitary sewer collection system. Each year 90-110 miles of sewer line are pressure cleaned and 20 miles of pipe are televised for inspection and repair purposes. The system contains 38 sanitary and storm water lift stations and 49 individual house pumps that are maintained by utility staff.

8. Water Pumping, Storage and Distribution

The city's water pumping and distribution system is comprised of eighteen deep wells, eight treatment plants and 260 miles of distribution piping. Storage totals 12+ million gallons of located at nine locations. Annually, the city delivers 2.8 billion gallons of water with an average daily consumption of approximately 7-8 million gallons per day.

The city has a supervisory control and data acquisition (SCADA) system that provides for 24-hour computer control of the water and sewer system.

In addition, the utility division maintains approximately 371 street lights and 10 civil defense sirens.

Recreation Services

Areas of Responsibility

1. Programming Division
2. Ice Arena Management Division
3. Facility Management Division
4. Administrative Services Division

Explanation of Responsibilities

1. Programming Division

The programming division is responsible for all recreational programming opportunities provided to residents. General programs are provided to both Minnetonka and Hopkins residents through a joint recreation agreement established between the two cities. The city of Minnetonka is responsible for 66%, and the city of Hopkins 33%, of the net cost to operate the joint recreation program. Programs and leagues are offered for approximately 45 activities at over 50 programming sites. The programming division is also responsible for the management of outdoor skating rinks and summer playground programs provided by both cities.

In addition to joint recreation program offerings, the programming division also administers a Minnetonka direct services budget for programs such as Senior Services, Music & Arts in the Parks, Farmers' Market, Lindbergh Center programming and Libbs Lake Beach operations.

2. Ice Arena Division

Responsibilities include scheduling, maintenance, and supervision of the city's two ice arenas. City programs such as public skating, skating lessons, and adult hockey are offered through the arena. The Lake Minnetonka Figure Skating Club, Hopkins and Minnetonka Youth Hockey Associations, and high school hockey programs from both Minnetonka and Hopkins School Districts utilize Minnetonka Ice Arena for the operation of their programs. Approximately 260,000 people use the ice arena facilities on an annual basis. Ice arena "A" underwent a \$2.6 million renovation in 1997, and Arena "B" underwent renovations in 2003 and 2006.

3. Facility Management Division

The Facility management division is responsible for the scheduling, supervision and operation of the following city owned recreational facilities: Minnetonka Community Center, Shady Oak Beach, Williston Fitness Center, Lindbergh Center, Gray's Bay Marina, Glen Lake Activity Center and Shady Oak Lake Cemetery. In addition, the division is responsible for picnic shelters reservations at six locations throughout Hopkins and Minnetonka.

4. Administrative Services Division

The administrative services division is responsible for accounts receivables, accounts payables, program evaluations and payroll for fulltime and seasonal employees hired by the department. In addition, the division is responsible for marking of programs and services. This includes annually publishing three program brochures, two of which are mailed to all Minnetonka and Hopkins residents. This division is also responsible for the city Burwell House Ice Cream Social, and oversight of the Charles H. Burwell House.

2023 Candidates Election Calendar

Begin Date	End Date	Description
Tuesday, Aug. 1, 2023	Tuesday, Aug. 15, 2023	Candidate filing open
Wednesday, Aug. 16, 2023	Wednesday, Aug. 16, 2023	Candidate forum with City Manager Funk 3 p.m.
Thursday, Aug. 17, 2023	Thursday, Aug. 17, 2023	Candidate withdrawal deadline for General at 5 p.m.
Friday, July 28, 2023	Friday, July 28, 2023	Preliminary campaign finance reports due
Friday, Sept. 22, 2023	Monday, Nov. 6, 2023	Absentee voting period
Tuesday, Oct. 17, 2023	Tuesday, Oct. 17, 2023	Voter pre-registration closes at 5 p.m.
Friday, Oct. 27, 2023	Friday, Oct. 27, 2023	Pre-Election campaign finance reports due
Friday, Oct. 20, 2023	Monday, Nov. 6, 2023	Direct Balloting period
Wednesday Nov. 1, 2023	Wednesday Nov. 1, 2023	Public Accuracy test
Saturday, Nov. 4, 2023	Saturday, Nov. 4, 2023	Absentee voting, 9 a.m. – 3 p.m.
Monday, Nov. 6, 2023	Monday, Nov. 6, 2023	Absentee voting, 8 a.m. – 5 p.m.
Tuesday, Nov. 7, 2023	Tuesday, Nov. 7, 2023	Election Day, 7 a.m. – 8 p.m.
Friday, Nov. 10, 2023	Friday, Nov. 10, 2023	No public business, except emergency
Monday, Nov. 13, 2023	Monday, Nov. 13, 2023	Canvass results at City Council meeting
Tuesday, Nov. 14, 2023	Tuesday, Nov. 14, 2023	Certification of Filing report due
Monday Nov. 13, 2023	Monday Nov. 20, 2023	Period to request recount in writing
Wednesday, Nov. 15, 2023	Wednesday, Nov. 15, 2023	Post-election audit in Council Chambers
Thursday, Nov. 23, 2023	Friday, Nov. 24, 2023	No public business, except emergency
Thursday, Dec. 7 2023	Thursday, Dec. 7, 2023	Post-Election campaign finance reports due
Monday, Dec. 25, 2023	Monday, Dec. 25, 2023	No public business, except emergency
Monday, Jan. 1, 2024	Monday, Jan. 1, 2024	No public business, except emergency
Monday, Jan. 1, 2024	Monday, Jan. 1, 2024	Terms begin for newly elected officials
Monday, Jan. 15, 2024	Monday, Jan. 15, 2024	No public business, except emergency
Wednesday, Jan. 31, 2024	Wednesday, Jan. 31, 2024	Final/Campaign Year End campaign finance reports due by Jan. 31 of the year after the election

Calculation of Dates:

Dates on the 2023 Election Calendar are calculated in the following manner, pursuant to Minnesota Statutes, Chapter 645: When counting the number of days before the election or other event, the day before the event is the first day counted. When counting the number of days after an election or other event, the day after the event is the first day counted. When the last day falls on a weekend or legal holiday, that day is usually omitted from the computation.

Note: When Minnesota Election Law requires that action be taken on or before, a date that falls on a weekend, this calendar usually uses the previous Friday date to ensure timely action. For relevant law on the calculation of dates, see Minn. Stat 645.13; 645.15; 645.151, 331A.08, subd 1; 331A.08, subd 2; Minnetonka City ordinance 2021-04.

Ranked Choice Voting (RCV)

BALLOT MARKING INSTRUCTIONS



Vote from **LEFT** to **RIGHT**, making one (1) candidate selection per ranking column.

Fill in the ovals next to your choice(s):

1st Choice = Candidate you would most like to see elected for that office

2nd Choice = Candidate you would like to see elected if your 1st choice does not win

3rd Choice = Candidate you would like to see elected if your 1st and 2nd choices do not win

You are allowed to rank up to three (3) candidates for each office, but you may choose to rank fewer.

1st Choice	2nd Choice	3rd Choice
<input checked="" type="radio"/> Candidate A	<input type="radio"/> Candidate A	<input type="radio"/> Candidate A
<input type="radio"/> Candidate B	<input checked="" type="radio"/> Candidate B	<input type="radio"/> Candidate B
<input type="radio"/> Candidate C	<input type="radio"/> Candidate C	<input checked="" type="radio"/> Candidate C
<input type="radio"/> _____ Write-in	<input type="radio"/> _____ Write-in	<input type="radio"/> _____ Write-in

Do not choose the same candidate more than once.

Do not vote for more than one (1) candidate in a ranking column.

1st Choice	2nd Choice	3rd Choice
<input checked="" type="radio"/> Candidate A	<input checked="" type="radio"/> Candidate A	<input type="radio"/> Candidate A
<input checked="" type="radio"/> Candidate B	<input checked="" type="radio"/> Candidate B	<input checked="" type="radio"/> Candidate B
<input type="radio"/> Candidate C	<input checked="" type="radio"/> Candidate C	<input checked="" type="radio"/> Candidate C
<input type="radio"/> _____ Write-in	<input type="radio"/> _____ Write-in	<input type="radio"/> _____ Write-in

FREQUENTLY ASKED QUESTIONS

Will my vote count if I only rank one candidate?

Yes, your vote will still be counted. The maximum number of candidates you can rank for each city office on the ballot is three (3), but you can choose to rank between zero (0) and two (2) candidates instead.

Will my vote still be counted if I skip a ranking column?

Yes, your vote will still be counted. If you skip a ranking column, the next valid candidate selection on your ballot will be counted instead.

Can I rank the same candidate multiple times?

Your vote for that candidate will only be counted once. Any subsequent columns in which you ranked them again will effectively be considered blank.

Will my vote still be counted if I rank more than one candidate for my first, second or third choice?

This is called an over-vote. If you over-vote in a ranking column, that column will effectively be considered blank. The next valid candidate selection on your ballot will be counted instead.

What if I make a mistake on my ballot or want to re-vote my ballot?

Contact Minnetonka elections staff by phone at 952-939-8205 or by email at elections@minnetonkamn.gov.

WANT MORE INFORMATION ABOUT RANKED CHOICE VOTING?

Website: minnetonkamn.gov/rankedchoicevoting

Email: elections@minnetonkamn.gov

Phone: 952-939-8205

Sample Ballot

Municipal Election

City of Minnetonka

Judge _____ Judge _____

Ranked Choice Voting Instructions to the Voters:

- Vote from left to right in each office. Your first choice is the candidate you would most like to see elected.
- You are allowed to rank up to three (3) candidates for each office.
- Completely fill in the oval(s) next to your choice(s) like this: (●) Candidate Name

Fill in the oval(s) completely.



1 st Choice	2 nd Choice	3 rd Choice
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

No more than one oval in a column.



1 st Choice	2 nd Choice	3 rd Choice
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

City Offices

Mayor

Rank your first, second and third choice candidates in the columns below. One to be elected.

1	1st Choice, if any. Select One	2	2nd Choice, if any. Select One	3	3rd Choice, if any. Select One
<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A
<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B
<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C
<input type="radio"/>	_____	<input type="radio"/>	_____	<input type="radio"/>	_____
	write-in, if any		write-in, if any		write-in, if any

Council Member At Large A

Rank your first, second and third choice candidates in the columns below. One to be elected.

1	1st Choice, if any. Select One	2	2nd Choice, if any. Select One	3	3rd Choice, if any. Select One
<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A
<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B
<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C
<input type="radio"/>	_____	<input type="radio"/>	_____	<input type="radio"/>	_____
	write-in, if any		write-in, if any		write-in, if any

Council Member At Large B

Rank your first, second and third choice candidates in the columns below. One to be elected.

1	1st choice, if any. Select One	2	2nd Choice, if any. Select One	3	3rd Choice, if any. Select One
<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A
<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B
<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C
<input type="radio"/>	_____	<input type="radio"/>	_____	<input type="radio"/>	_____
	write-in, if any		write-in, if any		write-in, if any



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

TO: Candidates for City Council

FROM: City Clerk

DATE: August 16, 2023

SUBJECT: Candidate Information Session

Greetings:

Please join us for a special information session with City Manager Mike Funk on Wednesday, August 16 from 3-4 p.m. in the Minnehaha Conference Room at the Minnetonka Community Center.

Meet department directors and learn more about council duties, including:

- Time commitments and expectations
- Public meeting guidelines
- City staff and elected official roles and responsibilities

Candidates will also have an opportunity to ask questions, and are strongly encouraged to attend.

Please contact me for more information. We hope to see you there!

Sincerely,

Becky Koosman
City Clerk
952-939-8208

bkoosman@minnetonkamn.gov

Minnetonka Councilmember Roles and Responsibilities

The Minnetonka City Council is the governing body of the city. The council includes a mayor, two at-large councilmembers and four Ward councilmembers. The council members and mayor each serve four-year terms and have one equal vote when deciding an issue. All positions are nonpartisan.

Responsibilities

The city council is responsible for:

- Making policy decisions for the community;
- Approving the city's annual budget and levy;
- Establishing the strategic plan and vision;
- Appointing the city manager as the chief administrative officer of the city; and
- Acting as the city's Economic Development Authority and Local Board of Appeal and Equalization.

Council members also represent the city at public events and act as liaisons for various local and regional boards and commissions.

Time Commitment

Councilmembers attend a minimum of three meetings or study sessions a month. Most meetings are Monday evenings starting at 6:30 p.m. and can run in length two to five hours.

In addition, councilmembers must be familiar with city issues, dedicating time each week to read council meeting agenda packets, which are distributed electronically the Thursday before a meeting and are 200-300 pages. The city manager connects with council members via phone each Monday to answer questions and address concerns regarding agenda items. The city manager and council members also meet every four to six weeks for one-on-one conversations.

Councilmembers are invited to attend additional city functions, as desired. Examples include the annual fire department banquet, employee recognition events, business ribbon cuttings, annual conferences to the League of Minnesota Cities and National League of Cities, etc.

Expectations

All municipal seats are nonpartisan. In setting policy, council members are expected to make decisions that meet the needs of residents and constituents and operate in an environment of respectful collaboration.

Eligibility

To run for Minnetonka City Council, you must be:

- Eligible to vote in Minnesota
- At least 21 years old upon assuming office
- Not running for another office in the upcoming election
- A Minnetonka resident at least 30 days before the general election

Compensation

Councilmembers are compensated for their time. Beginning Jan. 1, 2024, a councilmember has an annual salary of \$18,000, distributed throughout the year. Other expenses related to the role, such as conference registration or mileage, may also be reimbursed or covered by the city.



August 2023

Subject Line: Candidate Forum Save the Date

Dear Minnetonka City Council Candidate,

Congratulations on your decision to run for the Minnetonka City Council. The League of Women Voters, Minnetonka-Eden Prairie-Hopkins chapter has a long history of providing voters with educational opportunities to hear first-hand from candidates about the issues most important to them. We cordially invite you to join us:

**Minnetonka City Council Candidate Forum
September 19 in the evening, time to be determined
Council Chambers, Minnetonka Community Center**

Please mark your calendar now to participate in this opportunity to hear directly from voters. Additional details about the Forum will be sent to you in the near future. In the meantime, if you have questions, please contact Jan Callison at jancallison@comcast.net or 952-261-6428.

We look forward to welcoming you to the LWV of Minnetonka-Eden Prairie-Hopkins candidate forum.

Jan Callison
Secretary