

CITY OF VICTORIA

CANDIDATE FILING PACKET

For more information, please contact Victoria's City Clerk Office at
952-443-4216, cettesvold@ci.victoria.mn.us.

Important Dates:

- Filing Period: August 2 – August 16, 2022
 - General Election Day: November 8, 2022
 - Anticipated Election Results: November 14, 2022
-



City Council Candidate Information Packet Overview

This packet includes general information regarding the candidate filing and election process for municipal office in the City of Victoria. The process is governed by Minnesota State Statutes, Chapters 200 through 211B, which regulate all elections and campaign practices of federal, state and local candidates and their committees in Minnesota Elections.

For more information, call the City Clerk's office at (952) 443-4216.

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Packet Attachments:

- *Filing for Candidacy Procedures 2022*
- *Affidavit of Candidacy Form*
- *Minnesota Campaign Manual 2022*
- *Important Dates for Candidates 2022*
- *City of Victoria Annual Public Meeting Calendar 2022*
- *Candidate Statement of Economic Interest Form*
- *Campaign Financial Report Form*
- *Campaign Financial Report Certification of Filing Form*
- *Minnesota Department of Transportation Political Candidate Notice for signs in Right-Of-Way*
- *League of Minnesota Cities Elected Officials and Council Structure and Role Memo*
- *Affidavit of Withdrawal Form*
- *Minnesota's Automatic Dialing-Announcement Device Law Memo*
- *IRS Political Organization Filing Requirements*
- *Address of Residence Form*
- *Registered Voter List Request Form*
- *Polling Place List Request Form*
- *Precinct Finder Request Form*
- *Accepted Absentee Mail Ballot List Request*
- *Campaign Cybersecurity Memo*
- *Election Candidate Information Voluntary Disclosure Form*
- *Office of the Minnesota Secretary of State Map Order Form*
- *League of Women Voters Candidate Forum Flyer*

Information

Victoria City Council

The City Council is composed of the mayor and four council members. All members are elected by and from the voters of the City at large and hold their terms for four (4) years. The terms for council members are staggered so that only two council members are elected every two (2) years.

Municipal Elections

Municipal elections are non-partisan, meaning the candidate names are placed on the ballot without party designation. There is no municipal primary in Victoria. To that end, candidates who file for municipal office will appear on the General Election ballot on November 8, 2022.

The regular municipal election is held on the first Tuesday after the first Monday in November in each even-numbered year. In 2022, the election will be held on November 8th. By law, polls open on Election Day at 7:00 a.m. and close at 8:00 p.m.

In 2022, the following municipal offices will be on the Nov. 8th ballot:

2 – Council Members (At Large)

The City Clerk is the official in charge of administering the municipal election. State law is very specific as to the conduct of the election and every effort is made to conform throughout the entire process so as to ensure a fair, honest election.

No public meetings are to be held between 6:00 p.m. and 8:00 p.m. on Election Day. This includes the School Board, Board of County Commissioners and City Council. (*M.S. 204C.03, Subd. 1*)



Election Returns

The returns of the election must be canvassed by the City Council between the 3rd and 10th day after the General Election. Candidates become elected by receiving the highest number of votes.

A Certificate of Election is delivered by the City Clerk to the elected candidate no sooner than seven (7) days after the Canvassing Board has declared the results, unless the election has been contested or the candidate fails to file all necessary campaign financial reports. A losing candidate may request a recount of vote according to M.S. 204C.36.

Any voter may contest any election procedure according to M.S. Chapter 209. Generally, the request or complaint must be filed within seven (7) days after the canvass is completed. If contest is based on serious deliberate and material violation of laws discovered in the financial report, contest must begin within ten (10) days after the report is filed.

Candidate Filing Information

Candidate Eligibility

A candidate for elective office must be an eligible voter in the State of Minnesota and must:

- be 21 years of age on or before the date he/she would take office; and
- must reside in their district for at least 30 days before the General Election; and
- must have no other affidavit on file for any other elected office (*exception: soil & water conservation supervisor - MN Statute 204B.06*)

A person may file for candidacy by submitting an Affidavit of Candidacy to the City Clerk's office.

Filing Fee / Petition

A \$5.00 fee is to be paid at the time of filing.

In place of the filing fee, the candidate may present a petition at the time of filing an affidavit. The petition may be signed by individuals eligible to vote for the candidate.

The number of signatures required is the lesser of either 500 signatures or five percent (5%) of the total number of votes cast in the municipality at the preceding City election at which that office was on the ballot.

A candidate's name may also be placed on the ballot by an application signed by not less than five (5) voters and filed with the City Clerk. The petition must contain the same information about the candidate as the Affidavit of Candidacy. A copy must be given to the proposed candidate before filing. Proof that the candidate received the copy must be provided by the candidate's endorsement on the application or a separate affidavit attesting to receipt. A \$5.00 filing fee is due when the voters file the petition.

Candidate Withdrawal

Candidates may withdraw by filing an Affidavit of Withdrawal with the City Clerk before 5:00 p.m. two (2) days after the last day of filing Affidavits of Candidacy. Withdrawal after that time is not allowed. The filing fee will not be refunded upon withdrawal.

Filing Dates

Filings Open:	Filings Close:
Tuesday, August 2, 2022 8:00 a.m.	Tuesday, August 16, 2022 5:00 p.m.

(City Hall is open 8 a.m. – 4:30p.m. Monday – Thursday and 8 a.m. – Noon on Fridays. City Hall will be open until 5 p.m. on Tuesday, August 18th to accept withdrawals)

Campaign Financial Reporting

Candidates and their committees for elective office are responsible for adherence to the provisions of Minnesota Statutes 211A and 211B regarding Campaign Financial Reporting and Fair Campaign Practices.



Enclosed for your use are the following:

Minnesota Campaign Manual

This contains a digest and the text of Chapters 211A and 211B.

Campaign Financial Report Forms

These are to be filed as indicated by the provisions of M.S. 211A.02.

Campaign Financial Reporting Important Dates for the Nov. 8th General Election:

- **Initial Report**

Due: 14 days after the campaign collects or spends more than \$750

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.

Submit your initial report to Deputy City Clerk Claudia Ettesvold in-person at City Hall at 1670 Stieger Lake Lane, Victoria, Minn., or by email at cettesvold@ci.victoria.mn.us

- **Ten Days Before the General Election**

Due: Friday, October 28, 2022

If the campaign collected or spent more than \$750 in a calendar year, the candidate must submit an initial report within 14 calendar days (see initial report requirements above) and ongoing reports until the final report is filed.

This report should contain all activity between your last submitted report and should be submitted to Deputy City Clerk Claudia Ettesvold in-person at City Hall at 1670 Stieger Lake Lane, Victoria, Minn., or by email at cettesvold@ci.victoria.mn.us

- **Campaign Financial Report Certification of Filing**

Due: Tuesday, November 15, 2022

Every candidate must complete a Certification of Filing within seven (7) days of a general election in which their name is on the ballot. Even if an initial report was never required or filed, the certification must be completed.

Complete your Campaign Financial Report Certification of Filing Form and submit it to Deputy City Clerk Claudia Ettesvold in-person at City Hall at 1670 Stieger Lake Lane, Victoria, Minn., or by email at cettesvold@ci.victoria.mn.us

A Certificate of Election will **not** be issued to a candidate who has not certified that all reports required by M.S. 211A.02 have been filed. The Campaign Manual contains additional information on campaign financial reporting and fair campaign practices.

- **30 Days After the Election**

Due: Tuesday, December 8, 2022

If the campaign collected or spent more than \$750 in a calendar year, the candidate must submit an initial report within 14 calendar days (see initial report requirements above) and ongoing reports until the final report is filed.

This report should contain all activity between your last submitted report and should be submitted to Deputy City Clerk Claudia Ettesvold in-person at City Hall at 1670 Stieger Lake Lane, Victoria, Minn., or by email at cettesvold@ci.victoria.mn.us

- **January 31 Following the Election**

Due: No later than January 31 annually

The Committee or candidate must file a report by January 31 of each year following the year when the initial report was filed or until a final report is submitted.

- **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 M.S. 211A.02 for the period from the last previous report to the date of the final report.

- **Notice of Failure to File**

If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the county attorney of the county where the candidate resides or where the committee headquarters is located. The county attorney shall then 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 county attorney shall proceed under M.S. 211A.08.



THIS IS ONLY A SUMMARY TO HELP INFORM YOU REGARDING REPORTING DATES AND REQUIREMENTS. PLEASE REFER TO THE FULL TEXT OF MINNESOTA STATUTES CHAPTER 211A FOR COMPLETE INFORMATION.

The City posts reports and candidate information we receive on our website and social media channels once the filing period has ended. The City is also required to send this information to Carver County as soon as you file so your information can be entered into the State's database.

Campaign Signs

In state and federal election years, Minnesota Statute 211B.045 governs the placement of campaign signs from 46 days before the primary until 10 days after the general election. For 2022, this time period is from June 24, 2022 to November 18, 2022. This statute allows campaign signs to be posted in any size and number, subject to some limitations found in Minn Stat Chapter 211B on the content of signs and where they can be placed. Municipal sign ordinances cannot regulate the size or number of noncommercial signs during this time period, but still apply to placement on public property.

When placing your campaign signs, please ensure they are not located within the boulevard or on public property (e.g. parks). Campaign signs may be placed on private property with the permission of the property owner. Regulations regarding information on signs are addressed in the Campaign Manual and MnDOT regulations included in this candidate packet. Signs must be removed no later than ten (10) days following the General Election.

Avoid Public Right-of-Way Area

All candidates and their representatives desiring to post campaign signs within the city are requested to place their signs in a suitable location clear from the public rights of way to ensure traffic safety. The City's current sign regulations prohibit the installation of all signs upon the public right-of-way or property and in city parks unless originated by a government unit for identification or traffic safety.

The street right-of-way typically occurs one foot behind the sidewalk on major thoroughfares and collector streets. For local streets in most residential areas without sidewalks, the street right-of-way line is normally located 15 feet behind the curb. For questions or more information on street rights-of-way, please contact Public Works Director Dave Shoger may be contacted at (952) 443-4237.

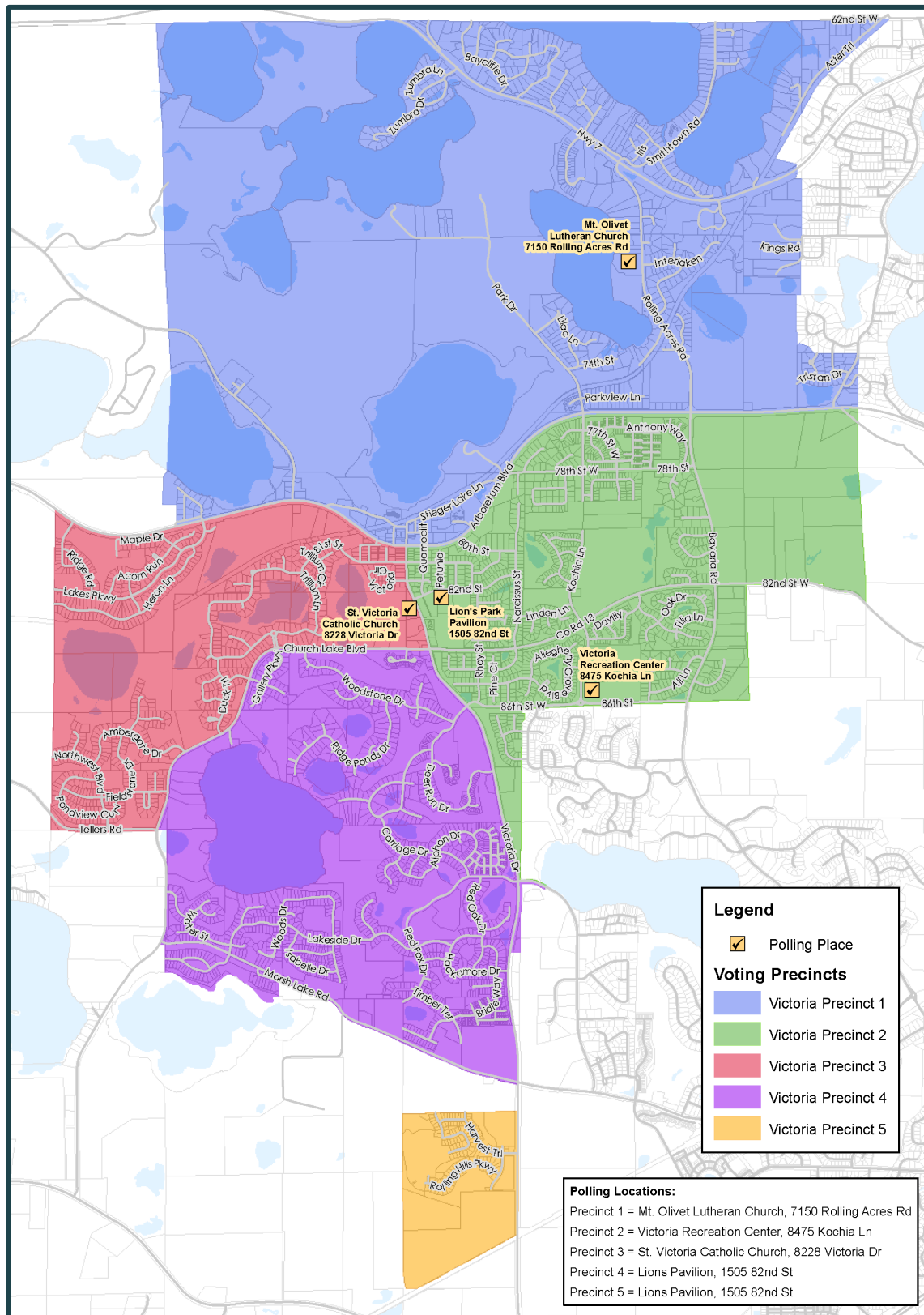
Signs illegally placed within the public rights-of-way may be impounded by the City.

Your cooperation in complying with these regulations is greatly appreciated.

2022 Polling Places

Precinct	Location
1	Mt. Olivet Lutheran Church, 7150 Rolling Acres Road
2	Victoria Recreation Center, 8475 Kochia Lane
3	St. Victoria Catholic Church , 8228 Victoria Drive (County Road 11)
4	Lions Park Pavilion, 1505 82nd Street
5	Lions Park Pavilion, 1505 82nd Street

2022 Precinct Map



Digital Map can be found on the City of Victoria website at: www.ci.victoria.mn.us/94/Elections

Statement of Economic Interest



A STATEMENT OF ECONOMIC DISCLOSURE MUST BE COMPLETED BY EACH CANDIDATE AND EACH PERSON WHO HOLDS AN ELECTIVE OFFICE IN A METROPOLITAN GOVERNMENTAL UNIT, WHICH INCLUDES CITY OF VICTORIA ELECTIVE OFFICES.

Who Must File?

A candidate or holder of an elective office in a Metropolitan Governmental Unit or a local official who is appointed to or employed in a public position in a Metropolitan Unit in which the person has the authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

When Do I File?

The Statement of Economic Interest must be filed **within 14 days** of filing an affidavit of candidacy.

What Do I File?

Every candidate must file the Statement of Economic Interest (Form ET-32 - included in this packet).

Where Do I File in The City Of Victoria?

The statement should be filed with the City Clerk's Office, 1670 Stieger Lake Lane, P.O. Box 36, Victoria, MN 55386.

What If I Have Questions?

Please refer to Minnesota Statute Chapter 10A, the Ethics in Government Act, for a complete copy of the law. You may also call the staff of the MN Campaign Finance & Public Disclosure Board at 651-296-5148.

Ethics

The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and, that the public has confidence in the integrity of its government. In recognition of these goals, the Victoria City Council has adopted policies for City Council Leadership.

Policy No. 1.1.002 - City Council Leadership

Ethical leadership is vital to the functioning of the City and to maintain the public's trust and confidence in the City and democratic process. For purposes of this policy, "Council Members" includes the Mayor.

The City Council recognizes ethical questions may be complex. Ethical conflicts are inevitable and should be health with forthrightly. As ethical leaders, Council Members will:

- Seek and accept the advice of knowledgeable officials such as City Manager, City Attorney or City staff.

Elected officials are human beings and citizens of their community. On occasion, it is expected that they will have needs or roles in their private lives that conflict with public office obligations. Should this occur, as ethical leaders, City Council Members will:

- Be open about potential conflicts of interest, and they follow applicable rules for disclosing and dealing with a conflict (such as refraining from voting on an issue) to avoid even the appearance of impropriety.

The City Council recognizes that some City decisions may have both adverse and positive effects on its residents. As ethical leaders, City Council members will:

- Strive to make the best decision as defined by its fairness to all concerned.
- Make impartial decisions on the merits of the issues alone, while disregarding personal allegiances.
- Make decisions in the best interest of the entire community, not just those who speak the loudest.

The City Council understands the important of conscientious and ethical government as a value. As ethical leaders, City Council Members:

- Do not use their office or authority for revenge, prestige or personal gain.

The City Council recognizes that government is a human institution. As ethical leaders, City Council Members:

- Care enough to make a positive difference and then act accordingly.

CITY OF VICTORIA

Victoria, MN  Est. 1915

Filing for Candidate Procedures

2022 Elections
November 8, 2022

City of Victoria Elections Contact Information

Deputy City Clerk	Claudia Ettesvold	952-443-4216	cettesvold@ci.victoria.mn.us
Acting City Clerk	Alyssa Swanson	952-443-4215	aswanson@ci.victoria.mn.us
City Manager	Dana Hardie	952-443-4211	dhardie@ci.victoria.mn.us

Step 1: File for Office

- ☐ Fill out Affidavit of Candidacy during filing period — August 2 – August 16, 2022
 - Submit \$5.00 filing fee.
- ☐ Review the following handouts:
 - Candidate Information Packet
 - Minnesota Campaign Manual
 - Schedule of Important Dates
 - 2022 Public Meeting Calendar
 - Statement of Economic Interest
 - Campaign Financial Report
 - Campaign Financial Report Certification of Filing
 - Campaign Sign Information (MnDOT)
 - League of MN Cities excerpt “Elected Officials and Council Structure and Role”
 - Attorney General Memo re: MN Automatic Dialing-Announcing Device Law
 - IRS- Section 527 Political Organizations Revised Tax Filing Requirements
 - Minnesota Secretary of State Forms:
 - Address of Residence Form
 - Registered Voter List Request Form
 - Precinct Finder & Polling Place List Request Forms
 - Accepted Absentee/Mail Ballot List Request
 - Cyber Security Memo (OSS)
 - Candidate Information Form (Voluntary Disclosure)
 - Map Order Form
 - Affidavit of Withdrawal

(Due before August 18th at 5:00 p.m., if withdrawing)

Step 2: File Signed Statement

- ☐ File signed statement with the City Clerk's Office listing names and address of campaign committee members and secretary thereof, if any.

Step 3: Submit Statement of Economic Interest

- ☐ Submit Statement of Economic Interest to City Clerk's Office within 14 days after filing. *(See Schedule of Important Dates in your candidate packet)*

Step 4: File Campaign Financial Report

- ☐ File your initial Campaign Financial Report with the City Clerk's Office within 14 days after receiving or making disbursement of more than \$750 in a calendar year.
(Refer to additional requirements listed in the Campaign Manual)



Office of the Minnesota Secretary of State
AFFIDAVIT OF CANDIDACY

Filing # _____

Cash/Check # _____

Amount \$ _____

Instructions

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

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot) _____

Office Sought _____

District # _____

For Partisan Office, Provide Political Party or Principle _____

For Judicial Office, Provide Name of Incumbent _____

Residence Address

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

Street Address _____

City _____

State _____

Zip Code _____

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

Campaign Address and Contact

Candidate Phone Number (Required) _____

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

Street Address _____

City _____

State _____

Zip Code _____

Website _____

Email _____

Affirmation

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

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

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

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

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

Candidate Signature _____ Date _____

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

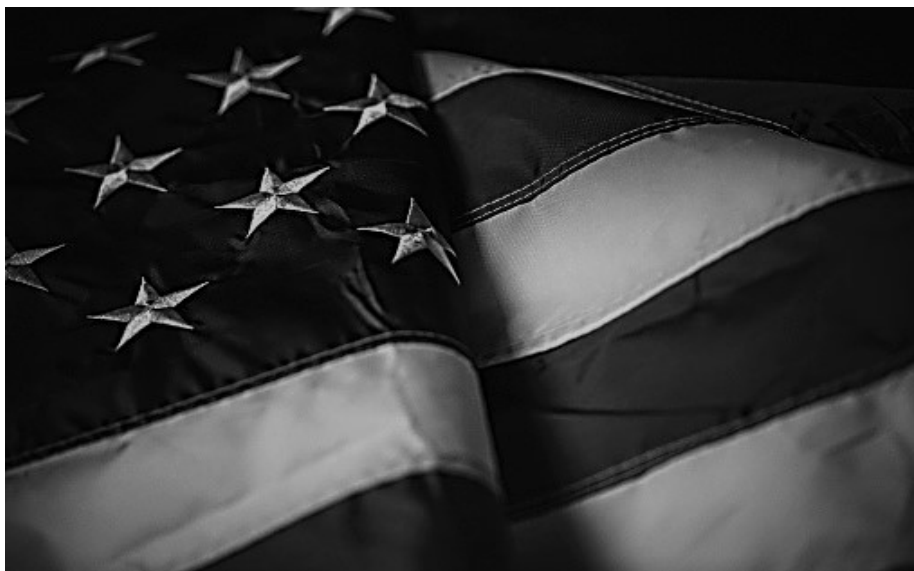
Notary public or other officer empowered to take and certify acknowledgement

(Notary stamp)

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.

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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](#) 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.03 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)

Name of candidate, committee or corporation

Office sought or ballot question	District
----------------------------------	----------

Type of report

_____ Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report:

from to

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH	\$	TOTAL CASH-ON-HAND	\$
------	----	--------------------	----

IN-KIND + \$

TOTAL AMOUNT RECEIVED = \$

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report.

Attach additional sheets if necessary.

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

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

CITY OF VICTORIA

Victoria, MN  Est. 1915

Important Dates to Remember

2022 Elections
November 8, 2022

Date	Action Needed	Description
Friday, June 24	Campaign signs allowed	Starting 46 days before the primary election (<i>M.S. 211b.45</i>)
June 24 – August 8	Absentee voting for State Primary Election	Absentee voting occurs at the Carver County Government Center
Tuesday, August 2	First day to file affidavit of candidacy	File at Victoria City Hall <i>Mon. – Thurs., 8 a.m. – 4:30 p.m.</i> <i>Fridays, 8 a.m. – noon</i>
Tuesday, August 9	Primary Election	Polls open 7 a.m. – 8 p.m.
Tuesday, August 16	Last day to file affidavit of candidacy	File at Victoria City Hall <i>8 a.m. – 5 p.m.</i>
Wednesday, August 17	Candidate briefing	Location: Victoria City Hall Time: 5 p.m. (<i>all candidates</i>)
Thursday, August 18	Last day to withdraw	Victoria City Hall <i>8 a.m. – 5 p.m.</i>
Within 14 Days of Filing for Candidacy	File statement of economic interest at city clerk's office	Victoria City Hall
Within 14 Days of Spending \$750 Or Receiving \$750 In Donations	File initial campaign finance report	If you have not spent or received \$750, do not do this.
September 23 – November 7	Absentee voting for General Election	Absentee voting occurs at the Carver County Government Center
Saturday, October 29 (<i>10 Days before General Election</i>)	File campaign finance report again	If you still have not spent or received \$750, then do not do this.
Tuesday, November 8	General Election	Polls open 7 a.m. – 8 p.m.
Tuesday, November 15 (<i>Within 7 Days after the General Election</i>)	File campaign finance report certification of filing form	Everyone must do this regardless of the dollars spent or received
Friday, November 18	All campaign signs must be removed	Within 10 days after the general election (<i>m.s. 211b.045</i>)
Any Time After the General Election	File campaign finance final report	File when you have less than \$100 in cash left in your campaign accounts
Thursday, December 8 (<i>30 Days after the General Election</i>)	File campaign finance report again	Only if you have <i>not</i> filed a final report
January 31 (<i>After year of election</i>)	File annual campaign finance report	Only if you have not filed a final report (<i>m.s. 211b.045, subd. 1</i>)

CITY OF VICTORIA

2022 PUBLIC MEETING CALENDAR

JANUARY 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY 2022						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH 2022						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
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27	28	29	30	31		

APRIL 2022						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY 2022						
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22	23	24	25	26	27	28
29	30	31				

JUNE 2022						
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JULY 2022						
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31						

AUGUST 2022						
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28	29	30	31			

SEPTEMBER 2022						
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OCTOBER 2022						
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23	24	25	26	27	28	29
30	31					

NOVEMBER 2022						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER 2022						
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24	25	26	27	28	29	30
31						

	City Holiday: New Year's Day (Dec. 31, 2021); MLK Day (Jan. 17); Presidents Day (Feb. 21); Memorial Day (May 30); Independence Day (Jul 4); Labor Day (Sept. 5); Veterans Day (Nov. 11); Thanksgiving (Nov. 24-5); Xmas (Dec. 23, 26)
	Special Event: Night to Unite - Aug. 2
	Council Meeting: 2nd & 4th Mondays - 6:30pm Exceptions: 2nd Meeting in December (Tues. 12/27) due to holiday
	Planning Commission: 1st & 3rd Tuesdays - 6pm Exceptions: August (Wed. 8/3) due to Nighth to Unite
	Park & Recreation Committee: 3rd Monday - 6:30pm Exceptions: January (Wed. 1/19), February (Tues. 2/22) due to holidays
	Senior Advisory Committee: 1st Monday - 10am Exceptions: July (Mon. 7/11) & September (Mon. 9/12) due to holidays
	Election Day: Aug. 9 Primary; Nov. 8 General Election



MINNESOTA

CAMPAIGN FINANCE BOARD

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155

cfb.mn.gov

Statement of Economic Interest

Candidate for local official position in a metropolitan governmental unit under Minn. Stat. §§ 10A.01, subds. 22, 24; and 10A.09, subds. 1, 6a

Filing instructions

- Your statement is due at the county or city with which you are filing for office within 14 days after filing an affidavit of candidacy.
- This form may be filed by email, mail, or fax.
- Please contact your county or city if you have any questions.

Individual information	Employment information
Name	Occupation
Address at which you wish to receive mail from the county or city (You may use either a home or business address.)	Name of employer - indicate if self-employed or not employed (You may need to include your employer as a source of compensation on page 2)
City, state, zip	Business address
Telephone (daytime)	City, state, zip of business
Email address	

Local office information

Name of county or city	Office sought including district or ward if applicable
------------------------	--

Period covered (fill in dates)

Original statement

Calendar month before the month in which affidavit of candidacy filed

Year

Certification

I, _____, certify that the information contained on this form, including information
(print name) on the schedules, is complete, true, and correct.

Signature of candidate

Date

Notice: Any person who signs and certifies to be true a statement which the person knows contains false information or omits required information is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

Sources of compensation

List all businesses from which you received more than \$250 in compensation in any calendar month during the reporting period. You should include any employer listed on the first page if it is a business as described below.

"Business" means an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity. An individual acting alone in the individual's own capacity, such as in the form of a sole proprietorship, is not a business for purposes of this statement, nor is a government agency.

"Compensation" means any payment for labor or personal services as a director, officer, owner, member, partner, employer, or employee of a business. Compensation does not include payments that do not result from the performance of services, such as rental income, social security payments, unemployment compensation, workers' compensation, pension benefits, or insurance benefits.

----- Check each applicable box -----

Name of source	Director	Officer	Owner	Member	Partner	Employer	Employee

Business ownership

If you own 25% or more of a business **and** received more than \$250 in any month during the reporting period as an employee of that business, list the business or professional activity category from page 4 that best describes the main function of the business.

Business or professional activity category (See page 4)

Independent contracting

If you received more than \$2,500 for work as an independent contractor in the past 12 months, list the business or professional activity category from page 4 that best describes the nature of that work.

Business or professional activity category (See page 4)

Securities

List all businesses whose securities valued at more than \$10,000 you individually or jointly held at any time during the reporting period. Use the definition of business from the Sources of compensation section on the previous page.

“Securities” means stocks, shares, bonds, warrants, options, pledges, notes, mortgages, annuities, debentures, leases, and commercial paper. “Securities” does not include shares of mutual funds, shares of exchange-traded funds, or defined benefit pension plans. For stocks, list the name of the business- do not list the exchange symbol, total shares, or value.

For retirement accounts like IRAs or 401(k)s, list the individual investments items, other than mutual and exchange-traded funds, held through the account. For example, if you have an IRA managed by Charles Schwab, do not list Charles Schwab – IRA. Instead, obtain an itemized listing of the investments held in the IRA and report those investments, other than mutual and exchange-traded funds, that meet the definition of security and exceed \$10,000 in value.

Name of business in which security is held	Name of business in which security is held

Real property

Do not report your homestead. Report interests in all other real property located in Minnesota that you held individually or jointly at any time during the reporting period. You must report the following interests: a fee simple interest (you are an owner, even if you owe a mortgage), a contract for deed as a buyer or seller, or a mortgage that you hold as a seller.

Report an option to buy if the value of the option is more than \$2,500 or if the fair market value of the optioned property is more than \$50,000 even if the value of the option itself is \$2,500 or less. For each property list the county in which the property is located. Also list the street address and city, or if the property does not have a street address, the section, township, and range where the property is located and the approximate acreage.

Upon written request and for good cause shown, the Board may waive the requirement that an official disclose the address of a secondary residence of the official. Contact Board staff if you want to request this waiver.

----- Check one -----

MN County	Street address and city; or section, township, and range	Own (Even if paying a mortgage)	Contract for deed (As buyer or seller)	Option to buy: Option value greater than \$2,500	Option to buy: Property value greater than \$50,000	Mortgage (Only if held as seller)	Acreage (If applicable)

Pari-mutuel horse racing interests

Report any investment, ownership, or interest in property connected to pari-mutuel horse racing in the United States or Canada, including a race horse. Include direct, indirect, partial or full interests held by you or an immediate family member.

----- Check one -----

	Partial interest	Full interest	Description of interest (Horse, stable, etc.)
Official direct interest			
Official indirect interest			
Family interest			

Business and professional activity categories

Use these categories for the business ownership and independent contracting categories on page 2.

If you need more information to decide which category to use, please see the chart on the Internal Revenue Service website at <https://www.irs.gov/instructions/i1040sc#idm140495537003200>.

Accommodation
Administrative and Support Services
Agriculture, Forestry, Hunting, & Fishing
Agriculture & Forestry Support Activities
Amusement, Gambling, & Recreation Industries
Broadcasting (except internet) & Telecommunications (including internet service providers)
Construction of Buildings
Construction - Heavy and Civil Engineering
Construction - Specialty Trade Contractors
Credit Intermediation & Related Activities
Data Processing Services (including internet publishing)
Educational Services
Food Services & Drinking Places
Health Care - Ambulatory Health Care Services
Health Care - Hospitals
Health Care - Nursing & Residential Care Facilities
Information (publishing industries except internet)
Insurance Agents, Brokers, & Related Activities
Manufacturing - Chemical
Manufacturing - Food
Manufacturing - Leather & Allied Product
Manufacturing - Nonmetallic Mineral Product
Manufacturing - Other
Mining
Motion Picture & Sound Recording
Museums, Historical Sites, & Similar Institutions
Performing Arts, Spectator Sports, & Related Industries
Personal & Laundry Services
Professional, Scientific, & Technical Services (Architectural, Engineering, & Related Services)
Professional, Scientific, & Technical Services (Computer Systems Design & Related Services)
Professional, Scientific, & Technical Services (Legal, Accounting, Payroll, & Tax Preparation Services)
Professional, Scientific, & Technical Services (Specialized Design Services)
Professional, Scientific, & Technical Services (Other)
Real Estate
Religious, Grantmaking, Civic, Professional, & Similar Organizations
Rental & Leasing Services
Repair & Maintenance Services
Retail - Building Material & Garden Equipment & Supplies Dealers
Retail - Clothing & Accessories Stores
Retail - Electronic & Appliance Stores
Retail - Food & Beverage Stores
Retail - Furniture & Home Furnishing Stores
Retail - Gasoline Stations
Retail - General Merchandise Stores
Retail - Health & Personal Care Stores
Retail - Motor Vehicle & Parts Dealers
Retail - Sporting Goods, Hobby, Book, & Music Stores
Retail - Miscellaneous Store Retailers
Retail - Nonstore Retailers
Securities, Commodity Contracts, & Other Financial Investments & Related Activities
Social Assistance
Transportation
Transportation (couriers and messengers)
Unclassified Establishments (unable to classify)
Utilities
Warehousing & Storage Facilities
Waste Management & Remediation Services
Wholesale Trade - Merchant Wholesalers (Durable Goods)
Wholesale Trade - Merchant Wholesalers (Nondurable Goods)
Wholesale Electronic Markets and Agents & Brokers

INSTRUCTIONS

(Reference: Minnesota Statutes, Chapters [211A](#) and [211B](#))

This CAMPAIGN FINANCIAL REPORT is for use by candidates and committees for county, municipal, school district and special district office who receive contributions or make disbursements of more than \$750 in a calendar year; committees or corporations spending more than \$750 for or against a ballot question in a calendar year; and corporations spending more than \$200 on activities to encourage participation in precinct caucuses, voter registration or voting.

Where to file this report:

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor

Candidate or committee report: The initial report must be filed within 14 days after the candidate or committee receives contributions or makes disbursements of more than \$750 in a calendar year. Subsequent reports must be filed.

During an Election Year - An "election year" is any year in which the candidate's name or a question appears on the ballot.

In such a year (if an initial report has been filed) reports are required to be filed:

- 10 days before the primary or special primary
- 30 days after a general election or special election
- 10 days before the general election or special election
- By January 31 of each year following the year when the initial report was filed.

During a non-election year - By January 31 of each year following the year when the initial report was filed.

Once a final report* is filed, no further subsequent reports are required to be filed.

CONTRIBUTIONS: Means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual. **Each candidate or committee must list the total amount of cash-on-hand designated to be used for political purposes as of the close of the reporting period.**

CONTRIBUTION LIMITS: Candidates or candidate's committees for county, municipal, school district offices may not accept aggregate contributions in excess of \$600 in an election year or in excess of \$250 in a non-election year made or delivered by an individual or committee. However, candidates seeking election from districts with a population in excess of 100,000 may not accept aggregate contributions in excess of \$1,000 in an election year and \$250 in a non-election year.

BALLOT QUESTIONS: Any political committee, association or corporation that makes a contribution or expenditure to promote or defeat a ballot question as defined in Minnesota Statutes, section [211A.01](#) shall file reports with the filing officer responsible for placing the question on the ballot. Reports must be filed within 14 days of receiving contributions or making disbursements of more than \$750 in one calendar year, using the same schedule as above.

CONGRESSIONAL CANDIDATES: Candidates for election to the United States House of Representatives and Senate and any committee raising funds exclusively on behalf of any one of those candidates may file copies of the reports required by federal law in lieu of those required by Minnesota Statutes Chapter [211A](#).

CORPORATE ACTIVITIES TO ENCOURAGE PARTICIPATION: Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote if the projects are not controlled by or operated for the advantage of a candidate, political party or committee. The total amount of expenditures or contributions for any one project greater than \$200, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures must be reported. Reports must be filed with the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299, using the same schedule as above.

***FINAL REPORT:** A final report may be filed any time after the candidate, committee or corporation has settled all debts and disposed of all assets in excess of \$100 in the aggregate. Check final report under "type of report".

PROHIBITED TRANSFERS: Candidates for county, municipal, school district or special district offices may not accept contributions from the principal campaign committees of any candidate for legislative, judicial or state constitutional office. In addition, a candidate may not make contributions to the principal campaign committee of any candidate for legislative, judicial or state constitutional office unless the contributions are made from the candidate's personal funds.

STATE CANDIDATES: Candidates and committees for state constitutional offices, the state legislature, supreme court, court of appeals, district court and committees for state constitutional amendments are governed by Minnesota Statutes Chapter [10A](#). Contact the State Campaign Finance and Public Disclosure Board for further information at (651) 539-1180.

Note: The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Office of the Minnesota Secretary of State

CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

Instructions

Each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by *Minnesota Statutes* 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer not later than seven days after the general or special election. (*Minnesota Statutes* 211A.05, subdivision 1)

Campaign Information

Name of candidate or committee

Office sought by candidate (if applicable)

Identification of ballot question (if applicable)

Certification

Select the appropriate choice below, and sign.

☐ I do swear (or affirm) that all campaign financial reports required by *Minnesota Statutes* 211A.02 have been submitted to the filing officer.

☐ I do swear (or affirm) that all campaign contributions or disbursements did not exceed \$750 in the calendar year.

Signature of candidate or committee treasurer

Date

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.

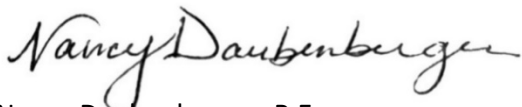
In addition, the Minnesota Outdoor Advertising Control Act ([Minn. Stat. 173.15](#)), which applies to land next to trunk highway right of way, prohibits the placement of advertising devices on private land without the consent of the owner or occupant; on trees, shrubs, or public utility poles; or by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

Chapter 6

Elected Officials and Council Structure and Role

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This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

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Chapter 6

Elected Officials and Council Structure and Role

Understand the council's role in city governance, including eligibility for office, council powers versus individual councilmember roles, and delegation of council power. Learn about the special roles of the mayor and clerk and use of both independent and advisory boards and commissions.

RELEVANT LINKS:

[Minn. Stat. § 412.02, subd. 1.](#)
[Minn. Stat. § 412.191, subd. 1.](#)

See Handbook, [The Statutory City](#), for more information about the different forms of statutory city government.

[Minn. Const. art. VII, § 6.](#)
[Minn. Const. art. XII, §§ 3, 4.](#)
[Minn. Stat. § 201.014.](#)
[Minn. Stat. § 204B.06.](#) See also, *Jude v. Erdahl*, 296 Minn. 200, 207 N.W.2d 715 (Minn. 1973).
[Minn. Const. art. VII, § 1.](#)

[Minn. Stat. § 351.02\(6\).](#)
[Minn. Stat. § 412.02, subd. 2a.](#)

I. Elected officials in general

The cornerstone of city government in Minnesota is the elected city council. The council fashions the policies that determine a community's present and future well-being. Because people look to their local government for leadership, much of the responsibility for community development falls on the shoulders of city councilmembers.

Although not all statutory cities have the same elective offices, all must have a mayor and at least three councilmembers. Whether a statutory city elects other officers depends on several factors, including the form of government under which it operates.

The mayor is a member of the council in statutory cities and the clerk is a member of the council in Standard Plan cities. The mayor and clerk in all cities have some special duties. This chapter discusses the duties of these positions and the council's role in city governance.

For home rule charter cities, the city's charter specifies the type and number of elected officials.

A. Eligibility for office

The Minnesota Constitution and state statutes set the qualifications for elective office. To hold elective city office, individuals must be qualified city voters, at least 21 years of age on the date of taking office, U.S. citizens, and residents of the city for at least 30 days before the election. An individual who has been convicted of a felony under either state or federal law cannot hold elective office in Minnesota unless the individual's civil rights have been restored.

If an individual fails to qualify for elective office within the allotted time, the city council may, by resolution, declare a vacancy and proceed to fill it by appointment. Individuals appointed to fill vacancies must also satisfy the requirements for elective office.

RELEVANT LINKS:

[Minn. Stat. § 10A.01, subd. 26.](#)
[Minn. Stat. § 10A.07.](#)
[Minn. Stat. § 10A.09, subds. 1, 6a.](#)

See LMC information memo,
[Official Conflict of Interest.](#)

[Minn. Stat. § 412.02, subd. 2.](#)
[Minn. Stat. 351.02.](#) Minn.
[Stat. § 205.07, subd. 1a.](#)

A.G. Op. 471-M (Nov. 23,
1999).

[Minn. Stat. § 358.05.](#)

[Minn. Stat. § 358.05.](#) *State v. Schram*, 85 N.W. 155 (1901) (concluding that the position of village marshal was a public office for purposes of an oath requirement).

Elected and some appointed local officials of cities with populations over 50,000 located in the seven-county metropolitan area must comply with reporting requirement regarding conflict-of-interest disclosure and economic-interest reporting. Candidates for local elected office in these cities must submit statements of economic interest to the city council within 14 days of filing an affidavit of candidacy.

Persons accepting employment as public or local officials in these cities must file the disclosure statement within 60 days of accepting employment. In both cases, the law requires the filing of annual statements.

B. Terms of office

Terms of office in statutory cities begin on the first Monday in January following the election. The terms of the old officers in statutory cities end at this time, or as soon after that as the newly elected officers qualify by taking an oath and filing a bond, if one is required. If the newly elected officer refuses or fails to qualify, the incumbent officer continues to hold office until the council declares the office vacant and appoints a successor. The terms of all city councilmembers in charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify. The length of the various terms of office is provided by statute. The attorney general has advised that a person elected to fill a vacancy is eligible to qualify and assume office upon receipt of an election certificate.

C. Oath of office

Whether or not public officials need a bond, they must take and sign an oath of office before exercising any of their powers. This includes members of councils, boards, commissions, and administrative officers. This applies to appointed as well as to elected officials.

It is not clear whether appointed city clerks or individuals holding other appointed city positions are required to take and sign an oath of office. The answer will depend on whether a particular appointed position would be considered a “public office” within the meaning of the statute requiring the oath. There are no administrative opinions or court decisions that address the issue of whether an appointed city clerk holds a public office for purposes of the oath requirement. A city should seek a legal opinion from its city attorney to determine whether an individual holding a particular appointed position must take and sign an oath.

RELEVANT LINKS:

See [Minn. Const. art. V, § 6.](#)
[Minn. Stat. § 358.06.](#)

[Sample Oath of Office and Acceptance](#), Minnesota Secretary of State.

[Minn. Stat. § 358.08.](#)

[Minn. Stat. § 358.09.](#)
[Minn. Stat. § 358.10.](#)

[Minn. Stat. § 358.52, subd. 6.](#)

[Minn. Stat. § 358.11\(3\).](#)

[LMCIT Property, Crime, Bond, and Petrofund Coverage Guide](#), Section VII-A, Bond coverage.

[Minn. Const. art. VII, § 6.](#)
[Minn. Const. art. XII, §§ 3, 4.](#) [Minneapolis Term Limits Coalition v. Keefe](#), 535 N.W.2d 306 (Minn. 1995).

[Minn. Stat. § 351.02.](#)

[Minn. Stat. § 351.02\(1\), \(8\).](#)

[Minn. Stat. § 351.02\(2\).](#)
[Minn. Stat. § 351.01, subd. 1.](#)

The required oath is: “I, (name), do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, and to discharge faithfully the duties of the office of (insert brief description of office) of the city of (insert city), Minnesota, to the best of my judgment and ability, so help me God.”

If the officer objects to an oath on religious grounds, the word “affirm” can substitute for the word “swear,” and the phrase “and this I do under the penalties of perjury” can substitute for the phrase “so help me God.”

Any person with authority to take and certify acknowledgments may administer the oath, including the city clerk, a justice of the peace, a notary public, or a register of deeds. The candidate taking the oath must lift his or her hand while reciting the oath. The candidate qualifying for office must take the oath and sign a copy of the oath in the presence of the administering official. The signed copy should go to the city clerk for filing. City assessors should file their copy with the county auditor.

If an officer must also submit a bond, the oath should be attached to the bond and both documents should go to the council for approval and then to the clerk for filing. The LMCIT memo linked at left contains information on which public officers must or may be bonded.

D. Term limits

The Minnesota Constitution establishes the eligibility requirements for public office without authorizing the adoption of additional requirements. Therefore, a charter city may not enact term limits as an eligibility requirement.

E. Vacancies

Vacancies in an elective office in a statutory or home rule charter city may occur for the following reasons:

1. Death

The vacancy exists as of the date of death. If the elected officer has not yet begun the term of office, the vacancy exists from the date the term would have started.

2. Resignation

A resigning elected public official must submit a written resignation to the council. After receiving a resignation, the council should pass a resolution stating it has received and accepted the resignation, and declaring that a vacancy exists.

RELEVANT LINKS:

[Minn. Stat. § 351.01, subds. 2, 3, and 4.](#) See informal A.G. letter opinion dated Mar. 3, 2003 (advising that Minnesota law does not require that a written resignation be “received” by the council during a formal meeting in order to be effective).

[Minn. Stat. § 351.02\(5\).](#) A.G. Op. 490D (Nov. 18, 1952). [Minn. Stat. § 609.02, subd. 2.](#) [Minn. Stat. § 609.42.](#)

[Minn. Stat. § 609.43.](#) [Minn. Stat. § 609.02, subd. 4.](#)

[Minn. Stat. § 351.02\(5\).](#) [Minn. Stat. § 358.05.](#) [Minn. Const. art. V, § 6.](#) See, [Minn. Stat. §§ 609.415-.475.](#)

[Minn. Stat. § 13D.06, subd. 3.](#) *Brown v. Cannon Falls Twp.*, 723 N.W.2d 31 (Minn. App. 2006); *Funk v. O’Connor*, 916 N.W.2d 319 (Minn. 2018).

Unless the resignation expressly states it is to take effect at a future date, the resignation will be effective when received by the council. If the resignation states it takes effect on a specified date, the vacancy occurs on that date if it has been received by the council or other official authorized by the council to receive documents on its behalf even if the council has not formally accepted it at a council meeting. To withdraw a prospective resignation, the resigning officer must submit a written statement of withdrawal in the same manner as the resignation. In order to be effective, the withdrawal must be received before the council accepts the resignation by resolution or before an officer authorized to receive it has issued a written acceptance.

3. Removal by operation of law

In most situations, it is not possible to remove statutory elected officials before the end of their terms, for cause or otherwise. Cities should consult with their city attorneys before attempting removal of any elected official.

Statutory city voters have no recall authority. Some home rule charters, however, give voters this option, but there remains some question as to whether this type of charter provision is constitutional.

In certain situations, removal by operation of law can occur. A vacancy occurs if an elected official is convicted of any “infamous” crime. An infamous crime is a felony, that is, a crime for which a sentence of imprisonment for more than one year may be imposed. For example, bribery is a felony. Thus, a bribery conviction would result in the elected official’s immediate removal from office. In addition, any public officer convicted of bribery is forever disqualified from holding public office.

Misconduct of a public officer or employee, as defined by law, is a gross misdemeanor. Therefore, a misconduct conviction is not an infamous crime, and does not automatically result in an elected official’s removal from office.

A vacancy does occur, however, when an elected official is convicted of an offense involving a violation of the individual’s official oath. Many offenses that are not felonies or “infamous” crimes may involve a violation of an individual’s oath and may result in a vacancy upon conviction.

A vacancy also occurs if a councilmember is found to have intentionally violated the open meeting law in at least three separate court actions. If a court finds a third separate, intentional violation, it must declare the position vacant and notify the appointing authority or clerk.

RELEVANT LINKS:

[Minn. Stat. § 351.02\(4\).](#)
A.G. Op. 126-h (Oct. 19, 1955).

[Minn. Stat. § 351.02\(6\).](#)

A.G. Op. 99 (Aug. 26, 1920).

[Minn. Stat. § 412.02, subd. 2b.](#)

See LMC information memo, [Official Conflict of Interest](#) for more information.

4. Termination of city residency

A vacancy occurs when a city councilmember ceases to be a resident of the city. Residence is a factual question the council must determine in each case. Voting in the city is only one indication of residence. The office holder's intent and availability to perform official duties are additional criteria that should be considered. A councilmember becomes a non-resident when the property where the councilmember lives is detached from the city.

5. Failure to qualify for office

An elected official may fail to qualify for office by refusing or neglecting to take the oath of office, to give or renew an official bond, or to deposit such oath or bond within the time prescribed by law. This type of vacancy is not automatic. A newly elected official may qualify at any time prior to the council declaring the office vacant.

6. Abandonment

Whether an abandonment of office actually occurs is difficult to determine. The intent of the office holder is the controlling factor. The attorney general, while cautioning that this is a question of fact, has indicated that failure to participate in council activities for three months is sufficient grounds for declaring an abandonment of office.

7. 90-day absence rule

A vacancy in the office of mayor or councilmember may be declared by the council when the office holder is unable to serve in the office or to attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings. If any of the preceding conditions occur, the council may, by resolution, declare a vacancy and then fill it at a regular or special council meeting. The appointed councilmember will serve for the remainder of the unexpired term, or until the absent councilmember is again able to resume duties and attend council meetings, whichever is earlier. When the absent councilmember is able to resume duties and attend council meetings, the council shall, by resolution, remove the temporary office holder and restore the original office holder.

8. Qualifying for a second or incompatible office

If an officer accepts a second office that is incompatible with the first, the first office is automatically vacated. (Section J of this chapter discusses incompatible offices in more detail).

RELEVANT LINKS:

[Minn. Stat. § 412.02, subd. 2.](#)
[Minn. Stat. § 205.07, subd. 1a.](#)

[Minn. Stat. § 351.07.](#)

[Minn. Stat. § 412.02, subd. 2a.](#)
A.G. Op. 59a-30 (July 24, 1996).

See *Accepting Council Member Resignation and Declaring a Vacancy*, LMC Model Resolution.

[Minn. Stat. § 412.02, subd. 2a.](#)

A.G. Op. 471-M (Oct. 30, 1986).

[Minn. Stat. § 412.121.](#) [Minn. Stat. § 471.46.](#)

[Minn. Const. art. VII, § 6.](#)

[Minn. Stat. § 415.15.](#)
A.G. Op. 471-M (Dec. 27, 1977).

9. Expiration of elected term

Generally, the vacancy occurring at the conclusion of an incumbent's term of office is filled immediately by the successor. If no one has been elected, the incumbent fills the office until the council appoints a successor and that person qualifies for the office.

10. Habitual drunkenness

State law provides that the habitual drunkenness of any person holding office is good cause for removal from office.

F. Filling vacancies

While a council might identify and declare the facts giving rise to a vacancy, for all practical purposes they occur automatically and are not based upon any removal action. Because the council must fill vacancies in elective offices, it should determine whether a vacancy exists. After investigating the facts, the council should pass a resolution declaring a vacancy and then fill it as soon as possible.

State law provides that statutory city councils make the appointment to fill a vacancy, except in the case of a tie vote when the mayor makes the appointment. That means all members of the council, including the mayor, can vote on the appointment. And as long as at least a quorum of the council is present, a majority vote of those present is sufficient to make the appointment.

State law does not place any limitation on a mayor's ability to make an appointment in the case of a tie vote. As a result, the mayor can appoint any qualified person willing to fill the vacancy even if that person was not the subject of the original appointment vote. If the vacancy is for the mayor's office and the council casts a tie vote, the acting mayor should make the appointment. The acting mayor may not, however, appoint himself or herself.

The council may appoint any individual who is eligible for election to that office. Generally, to be eligible a person must be a U.S. citizen, a resident of the city, a qualified city voter, and at least 21 years old. The council is not obligated to appoint any candidate previously defeated in an election for the office.

A resigning councilmember may not vote on the appointment of the successor to that vacancy. A councilmember who is elected mayor, however, may participate in the appointment vote to fill the vacancy in his or her former council position.

RELEVANT LINKS:

[Minn. Stat. § 412.02, subd. 2a.](#)

[Minn. Stat. § 412.02, subd. 2a.](#)

[Minn. Stat. § 412.02, subd. 2a.](#) See LMC information memo, *City Special Elections*, for more information.

[Minn. Stat. § 412.02, subd. 2.](#)
[Minn. Stat. § 205.07, subd. 1a.](#) A.G. Op. 471-M (Nov. 23, 1999).

[Minn. Stat. § 471.46.](#)

[Minn. Stat. § 471.895.](#)
[Minn. Stat. § 10A.071, subd. 1.](#) [Minn. Stat. § 471.895, subd. 1\(b\).](#)

Under certain circumstances, individuals appointed to fill council vacancies serve on a temporary basis, and the city must hold a special election to elect a permanent replacement to fill the vacancy. Two factors determine whether an election is required: first, whether filing has opened for the next regular city election, and second, the length of the unexpired portion of the term at the time of the vacancy.

If the vacancy occurs on or after the first day to file as a candidate for the next regular city election or if less than two years remain in the unexpired term, the city does not need to hold a special election, and the appointed person can serve out the remainder of the unexpired term. In the alternative, if the vacancy occurs before the first day to file as a candidate for the next regular city election and more than two years remain in the unexpired term, the city must hold a special election to fill the council vacancy at or before the next regular city election, and the person elected will serve out the remainder of the unexpired term.

If the council chooses to hold a special election to fill a vacancy at a time other than at the regular city election, it must first adopt an ordinance specifying the circumstances under which such an election will be held.

State law generally provides that the terms of elected city officials begin on the first Monday in January following the election. However, the attorney general has advised that a person elected to fill a vacancy is eligible to qualify and assume office upon receipt of an election certificate.

G. Councilmembers ineligible to fill certain vacancies

City councilmembers, including mayors and elected clerks, may not be considered to fill vacancies in other city elective offices if the council has the power to make the appointment to fill the vacancy. This rule applies even if a councilmember resigns the position on the council before the council makes the appointment.

An exception to this rule is that the council may appoint one of its members to the office of either mayor or clerk. In such a case, the councilmember being considered for the appointment may not vote.

H. Gifts

Elected and appointed “local officials” are generally prohibited from accepting gifts from “interested persons.” A “gift” is defined as money, real or personal property, a service, a loan, a forbearance or forgiveness of debt, or a promise of future employment, that is given and received without the giver receiving something of equal or greater value in return.

RELEVANT LINKS:

[Minn. Stat. § 471.895, subd. 1\(d\).](#)

[Minn. Stat. § 471.895, subd. 1\(c\).](#)

[Minn. Stat. § 471.895, subd. 3.](#) [Minn. Stat. § 211A.01, subd. 5.](#) See MN Campaign Finance and Public Disclosure Board relating to some of these exceptions.

A “local official” is defined as an elected or appointed official of a city, or of an agency, authority, or instrumentality of a city. The gift prohibition clearly applies to all members of a city council and to appointed officials on city boards, commissions, and committees. However, it is not clear whether city employees like city managers and administrators would also be considered local officials under the gift law. Because so many city employees can be involved in a city’s decision-making process, some cities have decided that the safest course of action is to assume that the gift law applies to all city employees.

An “interested person” is a person or a representative of a person or association with a direct financial interest in a decision the local official is authorized to make.

An interested person under the gift law likely includes anyone who may provide goods or services to a city, such as engineers, attorneys, fiscal advisors, contractors, and sales representatives.

In addition, virtually every resident of the city and anyone doing business in the city could at some time have a direct financial interest in a decision a city official is authorized to make and thus could qualify as an interested person. The following are possible examples where a resident or business owner’s financial interest could be affected:

- The levying of property taxes.
- The levying of special assessments.
- The valuation of property for tax purposes.
- The issuing of a license.
- The zoning of property
- The granting of a land-use permit.

As a result, any person doing business or residing in the city is potentially an interested person as far as a city councilmember is concerned. Whether a resident or business owner is an interested person, as far as members of boards and commissions are concerned, depends on the types of decisions or recommendations the boards or commissions are authorized to make.

It is important to note that under the gift law the decision or recommendation a city official is authorized to make does not have to be pending. If an individual could at any time have a direct financial interest in a decision or recommendation that a city official would be authorized to make, that individual would likely be considered an interested person.

There are a few limited exceptions to the gift law. For example, the following types of gifts are permitted under the gift law:

RELEVANT LINKS:

[Minn. Stat. § 465.03. *Kelly v. Campaign Finance and Public Disclosure Bd.* 679 N.W.2d 178 \(Minn. Ct. App. 2004\).](#)

[Minn. Stat. ch. 10A.](#)
See LMC information memo, [Official Conflict of Interest](#) for more information.

[Minnesota Campaign Finance and Public Disclosure Board.](#)

- Political contributions.
- Services to assist an official in the performance of official duties.
- Services of insignificant monetary value.
- A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause.
- A trinket or memento costing \$5 or less.
- Informational material of unexceptional value.
- Food or a beverage given at a reception, meal or meeting away from the recipient's place of work by an organization before whom the recipient makes a speech or answers questions as part of a program. (This exception probably permits only the principal speakers at meetings to receive gifts of food or beverage).
- Gifts given because of the recipient's membership in a group, a majority of whose members are not local officials, if an equivalent gift is offered to or given to the other members of the group.
- Gifts between family members, unless the gift is given on behalf of someone who is not a member of that family.
- Food or beverages given by a national or multi-state organization of governmental organizations or officials at a reception or meal to attendees at a conference sponsored by that organization if a majority of the dues to the organization are paid from public funds and an equivalent gift is given or offered to all other attendees.

The law prohibits gifts to city officials, not to cities. Thus, an interested person can give a gift to a city. If the giver has no control over who will receive the gift and the gift was not targeted to a specific person, perhaps a city official could benefit from that gift. If the person who benefits from the gift has any control over its use, the gift would likely be prohibited. For example, if an interested person gave a city five tickets to a football game, the councilmembers probably could not decide to use the tickets for themselves.

Metropolitan cities with a population over 50,000 are subject to additional regulations. Under the Ethics in Government Act, local officials in these cities are also prohibited from receiving gifts from "lobbyists" and "principals" although there are exceptions similar to those for the gift law.

The Minnesota Campaign Finance and Public Disclosure Board issues advisory opinions regarding the lobbyist gift ban. These opinions may be relevant to any Minnesota city struggling with the application of a gift ban to a particular situation.

RELEVANT LINKS:

[Minn. Stat. § 471.87. Minn. Stat. § 412.311.](#)
See LMC information memo, [Official Conflict of Interest](#), for more information about the exceptions.

A.G. Op. 90-E-5 (Nov. 13, 1969).

A.G. Op. 90e-6 (June 15, 1988).

See LMC information memo, [Official Conflict of Interest](#), for more information on non-contractual conflicts of interest.

State v. Sword, 157 Minn. 263, 196 N.W. 467 (1923).
Kenney v. Goergen, 36 Minn. 190, 31 N.W. 210 (Minn. 1886).

I. Conflicts of interest

There are two types of conflicts of interest that a councilmember may encounter: those involving contractual decisions, and those involving non-contractual decisions.

1. Contracts

Public officers are generally prohibited from having a personal, financial interest in any sale, lease, or contract they are authorized to make in their official capacity. There are limited exceptions to this law.

City councilmembers, who knowingly authorize a prohibited contract, even though they do not benefit from it, may be guilty of a crime. The councilmember who would benefit from the contract could also be guilty of a crime if that person entered into it knowing it was prohibited.

The attorney general has advised that the conflict-of-interest law applies to any councilmember “who is authorized to take part in any manner” in the making of the contract. Simply abstaining from voting on the contract is not sufficient. The attorney general reasoned that if the Legislature had only wanted to prohibit interested officers from voting on the contract, it would not have used the word “authorized.”

2. Non-contractual situations

There are also situations where councilmembers may find that they have an interest in a non-contractual decision the council will make. This type of interest does not have to be of a financial nature. These non-contractual matters may include such things as council decisions on zoning, local improvements, and the issuance of licenses.

Although not generally prohibited by state law, an interested councilmember most likely should abstain from participating in the council discussion and from voting on these issues.

J. Incompatibility of offices

Whether a city official can also serve the city or other government entity in some other capacity is a complicated issue. State laws generally do not prevent a person from holding two or more government positions. However, without specific statutory authority, government officials cannot hold more than one position if the functions of the positions are incompatible.

RELEVANT LINKS:

[McCutcheon v. City of St. Paul](#), 216 N.W.2d 137 (Minn. 1974).

[“Compatibility of Offices,” House Research](#), Rev. July 2012.

[5 U.S.C. §§ 7321-7326.](#)

[Minn. Stat. § 43A.32. Minnesota Management & Budget.](#)

[Minn. Stat. § 410.191. Minn. Stat. § 412.02, subd. 1a.](#)

[A.G. Op. 471-M \(Dec. 11, 1957\).](#)

See, for example, [Minn. Stat. § 410.191. Minn. Stat. § 412.02, subd. 1a.](#)

The common law doctrine of incompatibility applies to the functions of two inconsistent offices. However, there is no clear definition of what constitutes an “office” for the purpose of the law. Certainly, it would include all elected offices and the Minnesota Supreme Court has reasoned that it would also apply to those appointed positions that have independent authority under law to determine public policy or to make a final decision not subject to a supervisor’s approval. As a result, the incompatibility law might also apply to appointed positions such as city administrators, managers, and police chiefs.

1. Public employment

a. Federal employment

Federal employees are generally prohibited from being candidates in local partisan elections. An election is considered “partisan” if candidates are elected as representing political parties.

b. State employment

State employees generally can run for and hold elected office as long as there is no conflict with their regular state employment. The commissioner of Minnesota Management and Budget will determine whether a conflict exists.

c. City employment

State law prohibits the mayor and councilmembers in both statutory and home rule charter cities from being “employed” by their city. The term “employed” is defined as “full-time permanent employment as defined by the city’s employment policy.” This law applies to persons elected or appointed to serve as mayor or city councilmembers on or after August 1, 2010. For part-time positions, it must be determined if the positions qualify as offices and if the elements or responsibilities of the two positions are incompatible with one another.

2. Incompatible offices

Unless otherwise limited by law, an individual may apply for a job or run for an office that is incompatible with a current position without resigning from the current position. When the individual is elected or appointed to an incompatible office, the individual is considered to have resigned from the first position.

Generally, positions are incompatible when a specific statute or charter provision:

RELEVANT LINKS:

See *Kenney v. Goergen*, 36 Minn. 190, 31 N.W. 210 (Minn. 1886). *State v. Sword*, 157 Minn. 263, 196 N.W. 467 (1923).

See LMC information memo, [Official Conflict of Interest](#), for more information on incompatible offices.

[ICMA/MCMA Code of Ethics](#).

[Minn. Stat. ch. 10A](#).

[Minnesota Campaign Finance and Public Disclosure Board](#).

[Minn. Stat. § 10A.01, subd. 22](#).

- States that one person may not hold two or more specific positions.
- Requires that the officer may not take another position.
- Requires that the officer devote to the position full-time.

In addition, positions may be incompatible if the holder of one position or the group or board of which the person is a member:

- Hires or appoints the other.
- Sets the salary for the other.
- Performs functions that are inconsistent with the other.
- Makes contracts with the other.
- Approves the official or fidelity bond of the other.

K. Codes of Conduct

Some cities have adopted their own policies on ethics and conflicts of interest. These policies must be consistent with state law. They generally take one of two forms: either a values statement expressing core principles for ethical conduct or a formal code of conduct. State law does not require cities to adopt an ethics policy.

In addition, many professional organizations have adopted rules of conduct to guide individuals working in particular fields. For example, the International City/County Management Association (ICMA) as well as our state's affiliate (MCMA) has adopted a code of ethics that defines a city manager's core set of values and a city manager's ethical obligations to the city council, other staff, the general public, and the profession itself.

L. Ethics in Government Act

The Ethics in Government Act (Act) regulates campaign financing and requires certain local officials to make public disclosures of certain information. The Act only applies to local officials of cities in the seven-county metropolitan area with a population over 50,000.

The Minnesota Campaign Finance and Public Disclosure Board administers the Act. Individuals subject to the Act may request an advisory opinion from the Board to guide their compliance with it.

The Act defines a local official as a person who holds elected office or is appointed to public position in which the person has authority to make, recommend, or vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

RELEVANT LINKS:

Minn. Stat. § 10A.09. Minn. Stat. § 10A.071, subd. 2.
Minn. Stat. § 10A.07.
For more information about these requirements see LMC information memo *Official Conflict of Interest*.

Minn. Stat. § 383B.053.

Minn. Stat. § 10.60, subds. 2, 3.

Minn. Stat. § 10.60, subd. 3.

Minn. Stat. § 10.60, subd. 4.

Minn. Stat. § 10.60, subd. 5.

Local officials subject to the Act must comply with three main requirements. First, they must file statements of economic interest. Second, they are prohibited from accepting gifts from lobbyists or principals. Third, they must file conflict-of-interest statements in certain circumstances.

There are additional requirements for economic-interest disclosure for elected officials of cities in Hennepin County with a population of 75,000 or greater.

M. Publications and websites

The purpose of a city website or publication must be to provide information about the duties and jurisdiction of the city or to facilitate access to public services and information related to city responsibilities or functions. A city website or publication must not include pictures or other materials that tend to attribute the website or publication to an individual or group of individuals instead of to the city. A city publication must not include the words “with the compliments of” or contain letters of personal greeting that promote an elected or appointed official of a city.

A city website may not contain a link to a blog or website maintained by a candidate, a political committee, a political party or party unit, a principal campaign committee, or a state committee.

A city website or publication may include biographical information about an elected or appointed official, a single official photograph of the official, and photographs of the official performing functions related to the office.

There is no limitation on photographs, web-casts, archives of web-casts, and audio or video files that facilitate access to city information or services or inform the public about the duties and obligation of the city office or that are intended to promote trade or tourism. A city website or publication may include press releases, proposals, policy positions, and other information directly related to the legal functions, duties, and jurisdiction of a city official or organization.

Cities may adopt more restrictive standards for the content of city publications or websites.

II. City council and its powers

It is the duty of the mayor, clerk, and councilmembers to ensure that the city is fulfilling its duties under the law and lawfully exercising its powers.

RELEVANT LINKS:

See Handbook, [Liability](#).

Minn. Stat. § 412.191, subd. 2. Minn. Stat. § 13D.04.

Minn. Stat. § 412.101 (repealed by Laws 2001, ch. 135, sec. 3).

Van Cleve v. Wallace, 216 Minn. 500, 13 N.W.2d 467 (Minn. 1944).

City officials can sometimes be held personally liable for failing to act or for taking unauthorized actions on the part of the city. To avoid personal liability, city officials should gain a working knowledge of the laws that regulate city government. Whenever there is any doubt about the validity of an action or procedure, city officials should consult their city attorney.

A. Role of the individual councilmember

Councilmembers' statutory duties are to be performed, almost without exception, by the council as a whole. For example, it is the council and not individual councilmembers that must supervise administrative officers, formulate policies, and exercise city powers.

Councilmembers should devote their official time to problems of basic policy and act as liaisons between the city and the general public. Councilmembers should be concerned, not only with the conduct of daily affairs, but also with the future development of the city.

The most important single responsibility of a councilmember is participation at council meetings. In statutory cities, each councilmember, including the mayor, has full authority to make and second motions, participate in discussions, and vote on every matter before the council.

In a statutory city, the mayor or any two councilmembers of a five-member council or any three councilmembers of a seven-member council may call a special meeting. Care should be exercised to give proper notice, however.

As individuals, councilmembers have no administrative authority. They cannot give orders to or otherwise supervise city employees unless specifically directed to do so by the council. The council, however, has complete authority over all administrative affairs in the city. In Plan B cities, this authority is generally restricted to conducting investigations and establishing policies to be performed by the manager.

Under state law that was repealed in 2001, all members of the council, including mayors, were "peace officers." Councilmembers were authorized to suppress any "riotous or disorderly conduct" in the streets or public places of the city. The mayor and individual councilmembers no longer have peace-officer authority.

B. The council's authority

The city council is a continuing body. New members have no effect on the body except to change its membership. This means that all ordinances and resolutions remain in effect until the council alters or rescinds them, or until they expire through their own terms.

RELEVANT LINKS:

[Minn. Stat. § 306.41.](#)
Reed v. City of Anoka, 85 Minn. 294, 88 N.W. 981 (1902). *Ketterer v. Indep. Sch. Dist. No. 1*, 248 Minn. 212, 79 N.W. 2d 428 (1956).

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 412.191, subd. 2.](#)

See [Minn. Stat. § 43A.17, subd. 10](#) (prohibiting the reduction of councilmembers' salaries because of absences from official duties because of vacation or sickness).

At any time, the council can change any resolution, ordinance, or administrative order whether or not the individuals presently on the council are the same as those serving when the council originally took action.

There are exceptions to this rule. For example, the council cannot dissolve a perpetual cemetery-maintenance fund. In addition, the council cannot rescind or unilaterally alter any valid contracts. This means the law of contracts applies to the council as it does to any other party. Whether a contract was validly made is a question of fact.

The following information outlines the major areas of council authority and responsibility.

1. Judging the qualification and election of its own members

The council evaluates the credentials of individuals who are, or who claim to be, members of the council. This power includes certifying election results, determining whether an individual has the necessary qualifications to hold office, and deciding whether a council vacancy exists.

2. Setting and interpreting rules governing its own proceedings

The council has the following powers:

- To preserve order during its own meetings.
- To establish rules of procedure.
- To compel the attendance of members at meetings and to punish non-attendance. The council does not have the power to remove members from office, but it may punish members by fines or by deducting a part of the absentee's compensation for failure to comply with attendance orders.

3. Exercising all the powers of cities that the law does not delegate to others

Except for powers that the statutes delegate to a specific official or independent board or commission, the council has the authority to exercise all powers given to the city.

RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 4.](#)

[Minn. Stat. § 412.231.](#)

[Minn. Stat. § 412.661.](#)

See [Minn. Stat. § 412.201.](#)
[Minn. Stat. § 412.211.](#)

[Minn. Stat. § 412.241.](#)

4. Legislating for the city

The council may enact ordinances by a majority vote of all its members except where a larger number is required by law. The power to legislate also includes setting administrative policies and otherwise establishing public policy for the city.

The council has the power to declare that violations of any ordinance are a crime and may prescribe penalties for ordinance violations. The statutory city code limits the penalty for ordinance violations to a fine of up to \$1,000 or up to 90 days in jail, or both.

5. Directing the enforcement of city ordinances

The council directs the enforcement of city ordinances by determining the level of law enforcement, setting qualifications for the police chief and police officers, purchasing certain types of equipment for police use, and by directing and supervising the work of police officers. The city council also directs all departments and employees responsible for the administration of its policies and ordinances in the general administration of their duties. The city council generally should not direct the enforcement efforts of its employees as to particular situations.

6. Appointing administrative personnel

In Standard Plan and Plan A cities, the council has the sole authority to appoint all city employees.

In Plan B cities, the council appoints a city manager, who in turn appoints all city employees. The council may not dictate that the city manager appoint a particular person to city employment. Additionally, the council may not give any orders to employees hired by the manager.

7. Transacting city business

The transaction of city business includes a wealth of activities, such as purchasing, executing legal papers, taking bids, letting contracts, making discretionary administrative decisions, and evaluating the work of the administrative departments and personnel.

8. Managing the city's financial operations

The council has full authority over the city's financial affairs, including but not limited to:

RELEVANT LINKS:

[Minn. Stat. § 412.251.](#)
[Minn. Stat. § 412.701.](#) [Minn. Stat. § 275.065.](#)
[Minn. Stat. § 412.241.](#)

[Minn. Stat. § 412.241.](#)

[Minn. Stat. § 118A.02.](#) [Minn. Stat. §§ 427.01-.02.](#)

[Minn. Stat. § 412.111.](#)

[Minn. Stat. § 471.59.](#) [Minn. Stat. § 465.58.](#)

[Minn. Stat. § 412.221, subd. 32.](#)

[Minn. Stat. § 412.221, subds. 3, 28.](#)

- Levying taxes.
- Adopting a budget.
- Auditing and settling accounts.
- Safekeeping and disbursement of public money.
- Borrowing money.
- Designating depositories.

Councils should seek the advice of their staff and of consultants in making many of these decisions.

9. Appointing members of the boards

The council may create departments and advisory boards and appoint officers, employees, and agents for the city as deemed necessary for the proper management and operation of the city.

10. Conducting the city's intergovernmental affairs

The council may make agreements for the joint exercise of powers through agreements with other units of government, appoint people to serve on intergovernmental bodies, conduct city business with state and federal agencies, and participate in intergovernmental programs and the work of municipal associations, such as the League of Minnesota Cities.

11. Protecting the welfare of the city and its inhabitants

Elected officials must formulate policies that will help the city solve future problems and adjust to social and economic trends. This requires long-range planning regarding city facilities and needs.

12. Providing community leadership

In addition to participating in civic events, city officials must provide leadership by promoting new ideas and suggesting new programs to improve the community and its surrounding areas.

13. Other specific powers

The city council also has specific powers in the following areas:

Buildings. The council has the power to construct or acquire structures needed for city purposes, and to control, protect, and insure public buildings, property, and records. The council also has the power, by ordinance, to regulate the construction of buildings.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 5.](#)

[Minn. Stat. § 412.221, subd. 6.](#)

[Minn. Stat. § 412.491.](#)

[Minn. Stat. § 412.221, subd. 8.](#)

[Minn. Stat. § 412.221, subd. 9.](#)

[Minn. Stat. § 412.221, subd. 11.](#)

[Minn. Stat. § 412.221, subd. 16.](#)

[Minn. Stat. § 412.221, subd. 17.](#)

[Minn. Stat. § 412.221, subd. 18.](#)

[Minn. Stat. § 412.221, subd. 21.](#)

[Minn. Stat. § 412.221, subd. 22.](#)

[Minn. Stat. § 412.221, subds. 24, 25.](#)

Actions at law. The council has the power to provide for the initiation or defense of actions in which the city may be interested. The council may employ attorneys for this purpose.

Streets. The council has the power to lay out or change streets, parks, and other public grounds. By ordinance, the council may regulate the use of streets and public grounds.

Parks. A statutory city may establish, improve, maintain, and manage parks and recreational facilities and, by ordinance, protect and regulate their use.

Trees. The council has the power to provide for and, by ordinance, regulate the setting out and protection of trees, shrubs, and flowers in the city or upon its property.

Cemeteries. The council has the power to acquire, hold, and manage cemetery grounds and to sell and convey cemetery lots. By ordinance, the city may regulate cemeteries and the disposal of cadavers.

Waterworks. The council has the power to provide for and, by ordinance, regulate the use of wells, cisterns, reservoirs, and other types of water supply.

Hospital. The council has the power to establish hospitals.

Fire prevention. The council has the power to establish a fire department, appoint its officers and members, and prescribe their duties. The council also has the power, by ordinance, to prevent, control, or extinguish fires.

Naming streets. The council has the power, by ordinance, to name or rename the streets and public places of the city and to number or re-number the lots and blocks of the city. The council may make and record a consolidated plat of the city.

Animals. The council has the power, by ordinance, to regulate the keeping of animals, to restrain their running at large, and to authorize their impoundment and destruction.

Health. The council has the power, by ordinance, to provide for the disposal of solid waste, sewage, garbage, and other unwholesome substances.

Noise and nuisances. The council has the power, by ordinance, to regulate and prevent noise and to define and provide for the prevention or abatement of nuisances.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 25.](#)

[Minn. Stat. § 412.221, subd. 26.](#)

[Minn. Stat. § 412.221, subd. 27.](#)

[Minn. Stat. § 412.221, subd. 30.](#)

[Minn. Stat. § 412.221, subd. 31.](#)

[Minn. Stat. § 412.221, subd. 32.](#)

[Minn. Stat. § 415.01.](#)

Amusement. The council has the power, by ordinance, to prevent or license and regulate billiard tables, bowling alleys, gambling devices, circuses, theatrical performances, amusements, or shows of any kind.

Vice. The council has the power, by ordinance, to restrain and punish vagrants, prostitutes, and individuals guilty of lewd conduct.

Dances. The council has the power, by ordinance, to license and regulate the operation of public-dance halls and the conduct of public dances.

Restaurants. The council has the power to license and regulate restaurants and public-eating places.

Sewer and water connections. The council has the power, by ordinance, to require the owner of any property that is abutting or adjacent to any street in which sewer and water mains have been laid to install a toilet in such buildings and connect it with the sewer and water mains.

General welfare. The council has the power to provide for the government and good order of the city, the prevention of crime, the protection of public and private property, and the promotion of health, order, and convenience through the enactment of ordinances.

Township powers. The council has all the powers given to towns in chapters 365 and 368 of the Minnesota Statutes.

C. Council committees

Although the statutes do not require the use of committees, some councils find they are helpful in reducing workload. By dividing their membership into several committees, a council enables its members to devote most of their time to specific areas of the city's operations. Each councilmember becomes a relative specialist in these areas and that councilmember's services become of greater value to the council as a whole.

Council action is necessary to establish committees either in the council's bylaws, by special resolution, or through a motion. The council may set up special and standing committees. The council appoints special committees to deal with a single transaction or project. For example, the council might appoint a special committee to study the advisability of purchasing land for a new park. Standing committees concentrate on work that is continuous or repeated from time to time during the year. Many cities, for example, have a standing committee on finance.

RELEVANT LINKS:

See LMC information memo, [Meetings of City Councils](#), for more information.

A.G. Op. 624a-3 (Nov. 2, 1998).
Muehring v. School Dist. No. 31, 224 Minn. 432, 28 N.W.2d 655 (Minn. 1947).
Jewell Belting Co. v. Village of Bertha, 91 Minn. 9, 97 N.W. 424 (Minn. 1903).
Minneapolis Gas-Light Co. v. City of Minneapolis, 36 Minn. 159, 30 N.W. 450 (Minn. 1886).

[Johnson v. State](#), 553 N.W.2d 40 (Minn. 1996).

Sometimes councils set up their committees on a functional basis. Such committees deal with fire, police, health, public works, welfare, or public utilities. This system encourages councilmembers to handle administrative details and, consequently, does not make full and proper use of the city's administrative officers. Thus, councils should try to limit their work to special policy problems or to certain staff or public-relations functions that are not the responsibility of administrative personnel. Examples include committees on auditing, personnel, budget, public reporting, purchasing, and licensing.

Committees may exercise all duties the council has legally assigned to them. They can have authority to conduct investigations and to make recommendations. Committees, however, may not make decisions on behalf of the council. Committees of the council are subject to the same rules as the full council under the open meeting law.

In many cities, it is routine for the council to approve a committee's recommendations if it has done a thorough and competent job. It is important, however, for all councilmembers to be aware of their independent obligation to the city when considering whether to adopt a committee's recommendation. It is only the council's final decision, and not the committee's recommendation, that can bind the city. For example, committees may not enter into contracts or employ workers even if a specific motion of the council delegates such power to them.

D. Delegation of council power

Absent specific statutory or charter authority, a city council may not delegate its legislative or quasi-judicial power. In addition, a council may not delegate any administrative power of a discretionary nature. Merely ministerial functions, however, may be delegated to an officer or committee.

1. Discretionary and ministerial powers

The courts have not been explicit in describing the meaning of discretionary administrative power. They have, however, provided several rules that offer some basis for distinguishing which powers the council can delegate.

Discretionary powers or functions are those that involve the exercise of judgment. Ministerial functions are absolute, fixed, and certain so that no judgment is necessary in fulfilling them.

RELEVANT LINKS:

[Minn. Stat. § 415.11.](#)

[Minn. Stat. § 415.11, subd. 3.](#)

[Minn. Stat. § 43A.17, subd. 10.](#)

For example, the approval of a budget is a discretionary function while the signing of legal papers is a ministerial function. There are many tasks, however, for which the difference is largely one of degree. The courts, in these cases, generally differentiate by using a test of reasonableness.

2. Administrative standards

Courts generally permit the delegation of administrative power when the council establishes a fixed standard or rule to guide the subordinate. The courts usually permit delegation when the subordinate has reasonable discretion in administering an established standard or rule. Administration of land-use ordinances, building codes, and many other ordinances are examples.

3. Making vs. executing the law

Finally, the courts sometimes recognize a distinction between the power to make the law and the authority to execute it. A council cannot delegate the power to make a law, but the council can delegate the authority to execute it.

E. Salaries of mayor and councilmembers

The city council in Second Class, Third Class, and Fourth Class cities establishes, by ordinance, the salaries of the mayor and councilmembers in an amount that the council deems “reasonable.” Generally, no change in salary shall take effect until after the next succeeding regular city election. An ordinance changing council salaries should specify the date when the changes will take effect.

A city council, however, may adopt an ordinance to take effect before the next city election that reduces the salaries of the mayor and councilmembers. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the reduced salary reverts to the salary in effect immediately before the ordinance was adopted.

Salaries may be an annual or monthly sum, or a per-meeting rate. The ordinance should specify whether the per-meeting rate applies only to regular meetings or to both regular and special meetings.

Cities are prohibited from including provisions for vacation or sick leave in the compensation plan for councilmembers. Cities are also prohibited from reducing the salaries of councilmembers because of absences from official duties because of vacation or sickness.

RELEVANT LINKS:

[Minn. Stat. § 415.10.](#)

[See IRS Publication 2020-2021 Special Per Diem Rates. IRS Publication 463—Travel, Entertainment, Gift and Car Expenses. IRS Publication 15—Circular E, Employer's Tax Guide.](#)

[Minn. Stat. § 211B.10, subd. 2.](#)

[Minn. Stat. § 412.191, subds. 1, 2.](#) For more information about the office of mayor see the [Minnesota Mayors Handbook](#).

Iron Range cities have special legislative authority to make per-diem payments to councilmembers up to \$25 per day, not to exceed \$250 per year, for absences from the city while on official city business.

Some non-Iron Range cities have sought to pay their councils using per-diem rates. Cities should be careful in this area. A per diem is an expense allowance or an advanced reimbursement for business travel away from home. The IRS has strict guidelines for per-diem pay, including dollar limits above which the per diem must be treated as wages for tax purposes. Cities wishing to establish per-diem rates for councilmembers should consult with their financial advisors or the IRS for further guidance.

An employer must allow a councilmember to take time off from regular employment to attend council meetings. The time off may be without pay, with pay or made up with other hours as agreed to between the employee and the employer. When the councilmember takes time off without pay, the employer must 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.

III. Mayor

As the head of the city, the mayor officially speaks for both the council and the community as a whole. In all statutory cities and in most charter cities, the mayor is the presiding officer and a regular member of the council. The mayor has all the powers and duties for the office of councilmember in addition to those of mayor.

In a home rule charter city, the charter spells out the duties and responsibilities of the mayor. This chapter, however, deals with mayors of statutory cities.

Many mayors belong to the Minnesota Mayors' Association (MMA), which is affiliated with the League and holds an annual conference on issues of interest to mayors. Contact the League for more information about the MMA.

A. Official head of the city

As the official head of the city, the mayor has three important responsibilities.

First, the mayor usually serves as the city's representative before the Minnesota Legislature, federal agencies, and other local governments.

RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 4.](#) [Minn. Stat. § 412.201.](#)
A.G. Op. 61-J (June 2, 1966).

[Minn. Stat. § 412.501.](#) (The council appoints the members of an advisory park board or commission created under [Minn. Stat. § 412.111](#)).

[Minn. Stat. § 134.09, subd. 1.](#) [Minn. Stat. § 134.195, subd. 2](#) (joint school and public library).

[Minn. Stat. § 412.221, subd. 16.](#)

[Minn. Stat. § 44.04, subd. 1.](#) See [Minn. Stat. § 419.02, subd. 1](#) (authorizing the creation of a joint police and fire commission with members appointed by the council).

[Minn. Stat. § 469.003, subd. 6.](#)

[Minn. Stat. § 469.095, subd. 2.](#)

Second, the mayor performs ceremonial duties on behalf of the community. The mayor usually greets important visitors, gives formal and informal talks, and takes part in public events. Because local civic groups frequently ask the mayor to speak, the mayor must be prepared to explain and defend city problems and programs.

A third responsibility is to exert leadership in city affairs. Because the mayors of statutory cities lack significant individual authority, this responsibility frequently calls for tact rather than overt acts of direction or supervisory control.

B. Executing official documents

The mayor of a statutory city must sign ordinances, contracts authorized by the council, and written orders for payment of claims that have been audited and allowed by the council. These are ministerial duties, and the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

C. Power to make some appointments

The power to appoint usually resides in the council. The mayor has authority to make the following appointments subject to council approval:

- Park board members.
- Public library board members.
- Hospital board members.
- Some members of the police civil-service commission.
- HRA members.
- EDA members.

The mayor has authority to make the following appointments without needing council approval:

RELEVANT LINKS:

[Minn. Stat. § 450.20.](#)

[Minn. Stat. § 12.25, subd. 1.](#)

[Minn. Stat. § 412.02, subd. 2a.](#)

[Minn. Stat. § 412.191, subd. 1.](#)

[Minn. Stat. § 412.02, subd. 6.](#)

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 18.80, subds. 2, 3.](#)

[Minn. Stat. § 18.81, subd. 2.](#)

- City art commission members (First Class cities).
- Emergency management director
- The mayor also appoints to fill vacancies in elective offices if the council's vote to fill the vacancy is tied.

D. Presiding officer at council meetings

Plan A and Plan B statutory city councils are usually composed of five members consisting of the mayor and four councilmembers. In a Standard Plan city, the council consists of the mayor, the clerk, and three councilmembers. Any statutory city, however, may adopt a council size of seven following adoption of a council ordinance and voter approval at the next general city election.

The mayor serves as presiding officer at council meetings. The mayor generally recognizes speakers for debate and motions, and rules on questions of council procedure. The power to rule on council procedure is especially significant because once rulings are made they are binding on the council, unless the council votes to challenge them.

A statutory city mayor can vote on all motions put before the council but does not have the right to veto council actions. The right of the mayor to make and second motions is implied from the mayor's privilege of voting and taking part in regular council deliberations. The mayor has an obligation to be impartial and objective in conducting the meeting. To maintain this objectivity, many mayors choose to minimize making or seconding motions, and to allow other members of the council to speak before expressing an opinion. Mayors may also call special meetings.

E. Weed inspector

The mayor is the city weed inspector. The city may appoint one or more assistant weed inspectors. An assistant weed inspector has the same power, authority, and responsibility of the mayor in the capacity of weed inspector.

Local weed inspectors examine all lands, including highways, roads, and alleys, to determine if the landowner has complied with the rules regarding the eradication of noxious weeds. Weed inspectors also issue permits for the transportation of materials infested with noxious, weed-propagating parts. A claim for the expenses of performing the weed inspector's duties is a legal charge against the city.

RELEVANT LINKS:

[Minn. Stat. § 204C.07, subds. 3, 4.](#)

[Minn. Stat. § 204C.31, subd. 1.](#)

[Minn. Stat. § 299F.04.](#)

[Minn. Stat. § 12.29, subd. 1.](#)

[Minn. Stat. § 12.29, subds. 2, 3.](#)

See Handbook, [City Administrative Staff](#), for more information regarding the clerk position.

F. Election duties

Mayors of all cities have election duties. At elections where cities will vote on a question, the mayor, upon receiving a written petition signed by at least 25 eligible voters, must appoint one voter for each precinct to act as a challenger of voters in the polling place.

A challenger must be present in the polling place during voting hours, and must remain until the votes are counted and the results declared. Challengers cannot attempt to influence voting in any manner.

Mayors or chairs of the town board from the most populous municipality in each county serve as members of the county-canvassing board. Any member of the canvassing board may appoint a designee to appear at a meeting of the board.

G. Investigating fires

In cities without fire departments, the mayor must investigate or have investigated the cause, origin, and circumstances of any fire where damages exceed \$100. The investigation must begin within two days of the fire.

The mayor must report the fire to the state fire marshal. Within one week of the fire, the mayor must furnish a written statement to the state fire marshal.

H. Declaring local emergencies

Only the mayor can declare a local emergency. A local emergency cannot last for more than three days except with the council's consent. A local emergency must receive prompt and general publicity. The clerk must promptly file any order or proclamation declaring, continuing, or terminating the emergency.

A declaration of a local emergency invokes the response and recovery aspects of any local or inter-jurisdictional disaster plans and may authorize aid and assistance. No inter-jurisdictional agency or official may declare a local emergency unless expressly authorized by an agreement. An inter-jurisdictional disaster agency must provide aid and services in accordance with the agreement.

IV. Clerk and treasurer

This section gives an overview of the positions of clerk and treasurer.

RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 1.](#)
[Minn. Stat. § 412.02.](#)
[Minn. Stat. § 412.151.](#)
See discussion of Part I-F
Filling vacancies.

See Handbook, *City Administrative Staff*.

[Minn. Stat. § 412.141.](#) [Minn. Stat. § 412.02.](#)
See discussion of Part I-F
Filling vacancies.

See Handbook, *City Administrative Staff*.

[Minn. Stat. § 412.02, subd. 3.](#)
[Minn. Stat. § 412.541, subd. 1.](#)
[Minn. Stat. § 412.591, subd. 2.](#)

[Minn. Stat. § 412.02, subd. 3.](#)
[Minn. Stat. § 412.591, subd. 2.](#)

[Minn. Stat. § 412.591, subd. 3.](#) [Minn. Stat. § 412.02, subd. 3.](#) (In 2005 and after, the threshold amount for requiring an audit is a base of \$150,000, which is adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.).

A. Clerk

The clerk position in a Standard Plan statutory city is an elected office. The clerk serves as a member of the council, as well as fulfilling the other duties of a city clerk prescribed by statute or by the council.

Vacancies in the elected clerk position are handled in the same manner as council vacancies.

The clerk position in Plan A and Plan B cities is an appointed office. The clerk does not serve on the council but is responsible for the duties prescribed by statute and by the council.

B. Treasurer

The treasurer in a Standard Plan statutory city is also an elected position, but the treasurer does not serve on the council. Vacancies in the elected treasurer position are handled the same as council vacancies.

The treasurer in Plan A and Plan B cities is not an elected office. All treasurers are responsible for those duties prescribed by statute or their city councils.

C. Combination of clerk-treasurer

In statutory cities operating under either the Standard Plan or Plan A, the council may, by ordinance, combine the offices of clerk and treasurer into the office of clerk-treasurer. In Standard Plan cities, the council must adopt the ordinance at least 60 days before the next regular city election. The ordinance does not go into effect until the expiration of the term of the incumbent treasurer, or when an earlier vacancy occurs.

In a Plan A city, the clerk-treasurer is an appointed official and the ordinance generally goes into effect immediately. A Plan A city can abolish the position of treasurer even if an appointed person holds the position. Under either the Standard Plan or Plan A, the council may reestablish separate offices of clerk and treasurer by ordinance.

If the offices of clerk and treasurer have been combined in a Standard Plan or a Plan A city, the council must provide for an audit of the city's financial affairs by the state auditor or a certified public accountant in accordance with minimum procedures prescribed by the state auditor. According to the calculations of the Office of the State Auditor, a city with a population of 2,500 or less and a combined clerk and treasurer must have an annual audit for 2014 if its annual revenue is greater than \$204,000 and

RELEVANT LINKS:

[Minn. Stat. § 471.697](#). See Office of the State Auditor, [Audit Revenue Thresholds](#).

A.G. Op. 624a-3 (Nov. 2, 1998). A.G. Op. 1007 (July 8, 1977). A.G. Op. 1001-a (Sept. 15, 1950). A.G. Op. 1001-a (Aug. 27, 1957). See *Muehring v. School Dist. No. 31*, 224 Minn. 432, 28 N.W.2d 655 (Minn. 1947). *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (Minn. 1886).

must have an audit once every five years if its annual revenue is \$204,000 or less. A city with a population over 2,500 must have an annual audit performed.

V. Citizen boards and commissions

One way to increase positive feelings about government is to promote citizen involvement.

Citywide or neighborhood committees, special-project-review committees, and even block organizations are some of the committees cropping up in many cities. In many cases, the council has formed or encouraged these citizen committees. The committees have saved time and have made contributions that could only occur through citizen participation.

Councilmembers have found that ignoring citizen concerns can result in their removal from office at the next election, or in the defeat of a program or activity as a result of citizen opposition.

Although city officials cannot, in most cases, delegate decision-making authority to citizen groups, they can use citizens in advisory roles. This technique only works, however, if the council listens to the advice. If the council does not follow the advice of the committee, it should give understandable reasons for taking other action.

When a council forms a citizen-advisory body, it should also establish the ground rules for its activities. The council should also stress that in the absence of clear statutory authority to delegate responsibility, the council must, by law, make the final decisions. State law allows, and in some cases requires, city councils to delegate decision-making power to certain independent boards and commissions.

A. Independent citizen boards and commissions

The amount of discretionary power the council can give to independent citizen boards and commissions varies. Absent specific statutory or charter authority, local governing bodies may not delegate their discretionary powers and duties to other persons or bodies, including independent citizen boards and commissions.

RELEVANT LINKS:

[Minn. Stat. § 412.621.](#)

[Minn. Stat. § 360.038, subd. 2.](#)

See Minn. Stat. chapters [44](#), [419](#), and [420](#).

[Minn. Stat. § 412.221, subd. 16.](#)

[Minn. Stat. § 469.003, subs. 1, 2.](#)

In Plan B cities, with the exception of civil-service boards, there shall be no independent administrative board or commission, except for the purpose of administering a function jointly with another city or political subdivision. The council itself shall perform the duties and exercise the powers of the board of health, and shall govern and administer the library, parks, and utilities as fully as any other municipal function. The council may, however, create boards or commissions to advise the council with respect to any municipal function or activity, or to investigate any subject of interest to the city.

The statutes specifically authorize various independent boards and commissions in other statutory cities.

The following is a list of the most common.

1. Airport board

The council may establish, by ordinance or resolution, an airport board. The board shall be vested with authority for construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the airport.

2. Civil service board and commission

Civil service commissions can take several different forms depending on the state statute under which the council establishes them.

3. Hospital board

The council has the power to provide hospitals and, by ordinance, to establish a hospital board. Hospital boards may exercise any hospital-management powers conferred by the council. The council may abolish the board by a vote of all five members of the council. The board shall consist of five members appointed by the mayor with council approval for overlapping five-year terms. The council may remove members for cause.

4. Housing and redevelopment authority

A housing and redevelopment authority (HRA) has been created in each city by the Legislature. The HRA may not transact any business or exercise any powers until the city council, by resolution, finds that the city: has substandard, slum, or blighted areas that cannot be redeveloped without government assistance; or, has a shortage of decent, safe, and sanitary low-income dwellings. The council may consider such a resolution only after holding a public hearing and meeting publication requirements.

RELEVANT LINKS:

[Minn. Stat. § 469.003, subds. 5, 6.](#)

[Minn. Stat. § 471.59.](#) See Handbook, *Intergovernmental Cooperation*.

[Minn. Stat. § 134.09.](#)

[Minn. Stat. § 134.10.](#)

[Minn. Stat. § 134.11, subd. 2.](#)
[Minn. Stat. § 134.13.](#)

[Minn. Stat. § 412.501.](#)
(Cities may also create advisory park boards and commissions under [Minn. Stat. § 412.111](#)).

[Minn. Stat. § 412.501.](#) [Minn. Stat. § 412.521.](#)

An HRA consists of up to seven members who may be officers and employees of the city. The mayor appoints members with the approval of the council for overlapping five-year terms. In many cities, councilmembers appoint themselves to serve on the HRA; so the council becomes the HRA.

5. Intergovernmental boards and commissions

The council may create intergovernmental boards and commissions. A mutual agreement of the cooperating governments will set up the organizational format, powers, and duties of such boards.

6. Library board

When a public library is established, except in First Class cities operating under a home rule charter, the mayor of the city, with council approval, shall appoint a board of five, seven, or nine members from among the residents of the city. The number of members shall be determined by resolution or ordinance. The board members shall serve staggered, three-year terms and may be removed for misconduct or neglect.

Library board members serve without pay but may be reimbursed for actual and necessary traveling expenses.

Once established, the board prescribes its rules of procedure, selects its officers, and controls the library fund. Besides appointing new members to the board, the council has approval of all purchases of land and proposals for the erection of buildings. The board must file an annual report each year with the city council and the Department of Education.

7. Park board

The council of any city of more than 1,000 population may, by ordinance, establish a park board. The board shall consist of three, five, seven, or nine members as determined by resolution or ordinance. The mayor, with council approval, appoints the board members. Members serve three-year overlapping terms and may be removed by the mayor, with the council's consent, for cause after a hearing. Board members receive no compensation, unless the council authorizes it. The board may be dissolved by a unanimous vote of the council.

The park board shall maintain, beautify, and care for park property and perform all other acts necessary to carry out its statutory powers. The board must make quarterly reports of its activities to the council and file an annual statement of receipts and disbursements with the city clerk.

RELEVANT LINKS:

[Minn. Stat. § 471.15.](#)

[Minn. Stat. § 471.16.](#)

[Minn. Stat. § 412.321, subds. 1, 2.](#)

[Minn. Stat. § 412.331. Minn. Stat. § 412.341, subd. 1.](#)

[Minn. Stat. § 412.341, subd. 2. Minn. Stat. § 412.351. Minn. Stat. § 412.361.](#)

[Minn. Stat. § 465.70.](#)

8. Recreation board

Recreation is usually a function that is administered by the city council, the park board, or the local school board. Any city may operate and expend funds for a public-recreation program and playgrounds, and acquire, equip, and maintain land, buildings, or other recreational facilities, including swimming pools.

Generally, a recreation board refers to an independent commission that is established cooperatively by the city council, school board, and park board. The statutes specifically authorize the formation of an intergovernmental commission with representatives from all three bodies.

9. Utilities commission

Any statutory city may own and operate facilities for supplying utility service. No gas, light, power, or heat utility may operate until approval by five-eighths of the voters voting on the proposition at a regular or special election.

By ordinance, a city may establish a public utilities commission. Utility commissions must have three council-appointed members who serve overlapping three-year terms. The council may appoint no more than one of its own members to the commission.

City residence is not a qualification for membership on the commission unless required by the council.

The commission shall adopt rules for its proceedings but must hold at least one regular meeting each month. The commission may exercise all of the discretionary administrative authority necessary for the management of the utilities. The council may prescribe a salary for the commissioners and decide, by ordinance, which of the following municipally owned public utilities shall be within the commission's jurisdiction:

- Water.
- Light and power, including any system for the production and distribution of steam heat.
- Gas.
- Sanitary or storm sewer, or both.
- Public buildings owned or leased by the city.
- District heating systems.

Additionally, some Third Class and Fourth Class cities may own and operate a television signal distribution system that shall be considered a public utility.

RELEVANT LINKS:

[Minn. Stat. §§ 453.51-.62.](#)

10. Municipal power agencies

Any two or more cities may form a municipal power agency if each city passes a resolution authorizing an agreement. The purpose of the agency is to secure an adequate, economical, and reliable supply of energy for cities that own and operate a utility for the distribution of electric energy. All agency powers lie with its board of directors and include constructing and acquiring generating and transmission facilities, the power of eminent domain, and the authority to issue bonds and notes. Any city council may, by resolution, exercise any of these powers as if it were a municipal power agency.

[Minn. Stat. §§ 453A.01-.12.](#)

11. Municipal gas agencies

Any two or more cities owning or operating a utility for the local distribution of gas may form a municipal gas agency if each passes a resolution authorizing the agreement. The purpose is to secure an adequate, economical, and reliable supply of gas for utility customers.

The board of directors exercises all agency powers. Any city may, by resolution, exercise any of the powers of a municipal gas agency as if it were an agency.

[Minn. Stat. § 274.01, subd. 2.](#)

12. Special board of review

The governing body of any city may appoint a special board of review. This special board of review serves at the direction and discretion of the city council. The council determines the number of members, the compensation and expenses to be paid, and the term of office of each member. At least one member of the special board must be an appraiser, realtor, or someone familiar with property valuations in the assessment district.

[Minn. Stat. § 412.111.](#)

[Minn. Stat. § 462.354, subd. 1.](#)

B. Advisory citizen boards and commissions

Another important link in city governing activities is the work of advisory boards and commissions. These entities are much like the independent or administrative boards and commissions. The city council may create and dissolve them by resolution, appoint people to serve on them, and exercise other powers of general supervision. The council must, however, pass an ordinance to create a planning commission.

RELEVANT LINKS:

[Minn. Stat. §§ 462.351-.364.](#)
See LMC information memo,
Planning Commission Guide.

See Handbook, *City
Administrative Staff* for more
information about the
manager and administrator
positions.

There are several differences between independent boards and advisory boards. State statutes establish most independent boards and commissions and give them some discretionary powers. Advisory boards conduct studies and investigations on behalf of the council and submit reports and recommendations for council consideration. An advisory-board's recommendation does not take effect unless the council accepts it by passing an ordinance or resolution.

The council may organize advisory groups in any manner it deems appropriate. The council may find it wise to appoint people who represent various special-interest groups in the city.

An advisory commission may be created by the council for a special purpose, such as for conducting an investigation, and will cease to exist once the purpose of the commission has been achieved.

1. Planning commissions

Cities can establish planning commissions by passing an ordinance describing their organization and powers. City officials, such as the mayor, attorney, and engineer, frequently are advisory members.

2. Other advisory boards and commissions

Other advisory boards and commissions commonly established by city councils include industrial commissions, which have power to study the ways and means of attracting more commercial and industrial development

to the city; safety councils, which advise the council on safety programs; and intergovernmental agencies, such as a joint-planning commission, which the city sponsors in cooperation with other units of government.

As government has become increasingly complex, cities have used fewer independent or administrative citizen boards and commissions. Instead of diffusing authority for government administration over a number of different agencies, many cities place all authority in the city council. This decision centralizes responsibility for the proper direction of local government affairs and increases voter understanding of government. Frequently, this trend leads to pressures for greater simplification and centralization in administration as well. The council-manager form of government (Plan B) is an answer to this pressure. Administrators, whose duties and functions lie somewhere between those of a manager and those of a clerk, may also help to centralize government.

RELEVANT LINKS:

[Minn. Stat. § 410.20](#). Minn. Const. art. VIII, § 5.
A.G. Op. 59a-30 (July 24, 1996). [Minn. Stat. § 410.20](#).

VI. How chapter 6 applies to home rule charter cities

Several sections of this chapter may be useful to charter cities.

In the section concerning elected officials, the discussion of statutory city officers does not apply to charter cities, but the portions on eligibility, removal, resignations, and vacancies generally do apply. It may be possible that a charter could specify the particular conduct that would result in removal of a councilmember for nonfeasance of office. The attorney general, however, has advised that a charter provision which provides that a council vacancy would occur if a councilmember did not attend a specified number of meetings would not be valid. A charter may provide for the recall of any elective municipal officer and for removal of the officer by the electors of the city.

If the mayor of a charter city presides at the council meeting, most of the section concerning the mayor applies to charter cities. Otherwise, only the portions dealing with weed inspection, election duties, and other duties apply.

The section concerning the statutory city council and its powers might prove interesting to charter city councilmembers since many of their powers are similar to those of statutory city councils. The laws relating to conflicts of interest and prohibiting gifts to local officials also apply to members of charter city councils, but many charter cities have more restrictive provisions concerning both issues in their charters.

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

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*



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

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Fact Sheet

Media Relations Office
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Washington, D.C.

Tel. 202.622.4000
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.

Office of the Minnesota Secretary of State

ADDRESS OF RESIDENCE FORM

Instructions

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

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

Candidate and Address of Residence

Candidate Name

Office Sought

Street Address

City

MN

ZIP Code

Statement

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

Signature of candidate

Date



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

Walking List (sorted by street)

Summary Voting History for All Elections

Detailed Voting History for All Elections

Text (comma-delimited)

☐

not available

☐

PDF (ready for printing, not sortable)

☐

not available

Voter Lists for Mailing Labels

One label per registered voter

One label per household

Text (comma-delimited)

☐
☐

PDF (ready for printing, not sortable)

☐
☐

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 #
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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

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	<input type="text"/>				
Street Address	<input type="text"/>				
City	<input type="text"/>	State	<input type="text"/>	Zip Code	<input type="text"/>
Email	<input type="text"/>	Phone	<input type="text"/>		

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

Date - Fiscal	Date - Media Prod	Client Acct	Amt Paid	Work Order #
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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

Date - Fiscal	Date - Media Prod	Client Acct	Amt Paid	Work Order #
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Rev. 10/2021



Office of the Minnesota Secretary of State

ACCEPTED ABSENTEE/MAIL BALLOT LIST REQUEST – 2020 STATE ELECTIONS**Instructions**

Use this form to request a list of accepted absentee and mail ballots in the 2020 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 InformationName (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 8/11/20 you would like the report run:

	M	T	W	Th	F		M	T	W	Th	F		M	T	W	Th	F
6/29-7/3					Holiday	7/6-7/10						7/13-7/17					
7/20-7/24						7/27-7/31						8/3-8/7					

Select the days of the absentee period before the **State General Election** on 11/3/20 you would like the report run:

	M	T	W	Th	F		M	T	W	Th	F		M	T	W	Th	F
9/21-9/25						9/28-10/2						10/5-10/9					
10/12-10/16						10/19-10/23						10/26-10/30					

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

Mail order to: MN Secretary of State, 180 State Office Bldg, 100 Rev Dr Martin Luther King Jr Blvd, St Paul MN 55155

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

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

Rev. 5/2020



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>

Office of the Minnesota Secretary of State

ELECTION CANDIDATE INFORMATION FORM (VOLUNTARY DISCLOSURE)

Instructions

Federal and State candidates are invited to complete this form in whole or in part. Submit it through the filing officer or by sending it to the Secretary of State via email (elections.dept@state.mn.us) or mail:

180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155-1299

Information submitted on this form will be published on the [Secretary of State's web site](#). The Office of the Secretary of State does not edit the information submitted. Additional sheets will not be published.

Candidate Information

Candidate Name				
Office Sought				
Political Party or Principle				
Address				
Preferred mailing address (if different)				
Telephone		Fax		
E-Mail		Web site		
Occupation and Employer			Age	
Current Office Held			First Year Elected or Appointed	

Previous Elected or Appointed Public Offices

Endorsements

Comments or Filing Statement (use this space only)

I certify that the information provided on this form is true.

Candidate Signature Date

Office of the Minnesota Secretary of State
Map Order Form

Contact Information

Name

Address

City, State and Zip Code

Phone or email

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.

NOTE: municipalities have until March 29 to establish precincts. A statewide precinct dataset will be compiled after that. Precinct boundaries will not be included on maps until that is completed.

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.
- The State Office Building is currently closed to the public, so all orders will be shipped via UPS.
- Full payment must be submitted with this request. Checks or money order are accepted via mail. Allow five to ten days for processing. Return completed form and payment to:
Minnesota Secretary of State
Elections Division
180 State Office Building
100 Dr. Rev. Martin Luther King, Jr. Blvd.
Saint Paul MN 55155
- For questions, call 651-215-1440 or email elections.dept@state.mn.us

Disclaimer

This document can be made available in large print by calling (651) 296-2803/Voice, or on our Web site at www.sos.state.mn.us. 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.



Save the Date

Wednesday

September 21, 2022

for the

Candidate Forum

for City of Victoria

Sponsored by

League of Women Voters Eastern Carver County

7:00PM Wednesday September 21, 2022

in the

Victoria Council Chambers

1670 Steiger Lake Lane, Victoria, MN

More information will be **emailed** to candidates after filings close. Be sure to
include your email on your filing application!

Questions? Contact LWV ECC Voter Service Forum Coordinator, at
lwvecc.forums@icloud.com