



2020
Candidate
Information
Packet

City of Big Lake 2020 Campaign Packet Table of Contents

General Information.....	Page 2
How to File.....	Page 3
Election Results.....	Page 3
2020 Campaign and Election Dates.....	Page 4
2020 City Meeting Calendar.....	Pages 5-11
City Code; Chapter 2 (Operations and Administration).....	Pages 13-17
Campaign Sign Regulations	
Informational Letter.....	Page 18
Sign Fact Sheet.....	Page 19
Campaign Sign Rules Diagram.....	Page 20
City Code (Signs: Chapter 13, section 1300.04, subd. 3).....	Page 21
MNDOT Letter.....	Page 22
Campaign Financial Reports	
Instruction Sheet.....	Pages 23-25
Financial Reporting Forms	
• (Use if contributions/disbursements are greater than \$750)...	Page 26-27
• (Certification Form).....	Page 28
MN Secretary of State Website.....	Page 29-30
(Election information candidates may find useful)	

Additional Attachments:

- ✓ Affidavit of Candidacy
- ✓ Affidavit of Withdrawal
- ✓ City of Big Lake Precinct Map
- ✓ 2020 Minnesota Campaign Manual
- ✓ Campaign Literature Disclaimer
- ✓ Memo from MN Attorney General – MN Automatic Dialing-Announcing Device Law
- ✓ Voter Registration Forms
- ✓ Big Lake Chamber of Commerce Political Forum Invite
- ✓ City Council By-Laws

GENERAL INFORMATION

The City of Big Lake is comprised of a Mayor and four Council Members. Candidates must reside within the City of Big Lake Municipal Boundaries. All Candidates running for an elective office must be at least 21 years of age upon assuming office. The Mayor and each Council Member are elected to a four-year term.

The 2020 Municipal Election will consist of electing One (1) Mayor, Two (2) Council Members for four-year terms, and a Special Election to elect One (1) Council Member for a two-year term, all to commence in January 2021. All terms begin on the first Monday of a new year following an election. This will be on Monday, January 4, 2021. Municipal elections are non-partisan and names are placed on the ballot without party designation. Candidate names will be drawn by two election judges from different political parties to designate the first initial name order on the Ballot. Name order will then be rotated by the ballot vendor for the two remaining City Precincts.

Election Dates: Primary Elections are held on the second Tuesday in August. The 2020 Primary Election will be held on August 11th (note: The City of Big Lake does not have any candidates on the Primary Ballot). General Elections are held on the first Tuesday after the first Monday in November of even-numbered years. The 2020 General Election will be held on November 3rd. Mayor and Council Member seats are elected at the General Election.

Meetings: Regular City Council Meetings are held on the 2nd and 4th Wednesday of each month beginning at 6:00 p.m. Meetings are held in the Big Lake City Council Chambers located at 160 Lake Street North, Big Lake, MN. The Mayor position receives a monthly payment of \$500 (\$6,000 annually) and Council Member positions receive a monthly payment of \$400 (\$4,800 annually). Council also holds Workshops to discuss various issues. Workshops begin at 5:00 p.m. on the same nights as regular Council Meetings (2nd and 4th Wed. of each month). Additional meetings and workshops are scheduled as needed. The Council does not receive additional compensation for additional meetings or workshops.

Major Areas of Responsibility of Mayor/City Council Members: Meeting, Work Session, and Committee Meeting.

- Respond to constituent requests for information or assistance with identified issues.
- Participate on committees or task forces to provide information for the City Council's consideration.
- Discuss issues impacting the City with Federal, State, and other local government officials.
- Establish policies to guide the City.
- Annually evaluate the performance of the City Administrator.
- Establish and modify goals and objectives for the City.
- Review and approve an annual budget and tax levy.
- Review and approve a Capital Improvement Plan for the City.
- Attend meetings as a liaison to a City commission or other agencies serving the City.

HOW TO FILE FOR OFFICE

City of Big Lake Candidate Filing Dates:

Tuesday, July 28, 2020 through Tuesday, August 11, 2020.

1. All Candidates must complete the *Minnesota Affidavit of Candidacy Form* to file for a municipal elective office.
2. Return the *Minnesota Affidavit of Candidacy Form* to City Hall located at 160 Lake Street North, Big Lake, MN 55309 no later than 5:00 p.m. on Tuesday, August 11, 2020. City Hall will remain open until 5:00 p.m. on August 11th. Forms should be brought to the front reception counter at City Hall. **You must show proof of residency.**
3. A \$5.00 non-refundable filing fee is due at the time you submit your *Minnesota Affidavit of Candidacy Form*. This form must be notarized. The City Clerk or certain other City staff can provide this service at no charge.
4. Candidates who file for office, but decide they are unable to run for a municipal office, must complete and deliver the *Affidavit of Withdrawal Form* to the Big Lake City Clerk no later than 5:00 p.m. on August 13, 2020. City Hall will remain open until 5:00 p.m. on August 13th.

ELECTION RESULTS

Candidates are referred to the MN Secretary of State's (MN SOS) Website which has the most up-to-date election results. Each Precinct will electronically transmit their election results to Sherburne County after polls close and the last voters in line at 8pm have cast their ballot. Once received by the County, they will combine all City Precinct totals with Absentee Ballot totals that were processed by the Sherburne County Absentee Ballot Board. For 2020 and due to COVID-19, the timeframe for processing these Absentee Ballots was extended by the MN Legislature. A law was passed for the 2020 Primary Election that they will be accepting Absentee Ballots for 2 days after Election Day, dependent on post mark, to be tabulated into the totals, so this will delay final results. We haven't yet heard what the timeframe will be for the General Election. Candidates are encouraged to track election results from the MN SOS Website at:

<https://www.sos.state.mn.us/elections-voting/election-results/?searchTerm=results>.

2020 CAMPAIGN & ELECTION CALENDAR

Tuesday, July 28 th	First Day of City of Big Lake Local Filings. Filings are open from July 28 th until 5:00 p.m. on August 11 th .
Thursday, August 6 th	Public Accuracy Testing in the Big Lake City Council Chambers starting at 9:00 a.m. (for Primary election)
TUESDAY, AUGUST 11TH	PRIMARY ELECTION DAY – Polls open at 7:00 a.m., close at 8:00 p.m.
Tuesday, August 11 th	Last Day of Filing for City of Big Lake Local Filings (5:00 p.m.)
Thursday, August 13 th	Local Candidates may withdraw from being considered a candidate no later than 5:00 p.m.
Friday, September 18 th	First day to vote by absentee ballot for General Election (contact Sherburne County Auditor at 763-765-4351)
Tuesday, October 13 th	Last day to pre-register to vote for the General Election
Friday, October 23 rd	Campaign Financial Report due to the City Clerk (only if candidate has raised or spent more than \$750 and an initial report has been filed)
Thursday, October 29 th	Public Accuracy Testing in the Big Lake City Council Chambers starting at 9:00 a.m. (for General election)
Saturday, October 31 st	Absentee Voting open 10:00 a.m. to 3:00 p.m. at Sherburne County Gov. Center
Monday, November 2 nd	Last day to apply for State General absentee ballots Sherburne County Auditor's Office open until 5:00 p.m. for absentee voting
TUESDAY, NOVEMBER 3RD	GENERAL ELECTION DAY – Polls open at 7:00 a.m., close at 8:00 p.m.
Tuesday, November 10 th	Campaign Financial Certification Report due to the City Clerk – 7 days after General Election.
Thursday, December 3 rd	Campaign Financial Report along with final certification due to the City Clerk – 30 days after General Election. This deadline is only pertinent if your contributions/disbursements are greater than \$750.
Monday, January 4, 2021	New Terms Begin (First Monday in January following the election)
Wednesday, January 13, 2021	Newly Elected Council Members will be sworn in immediately before the 5:00 p.m. Council Workshop
January 31 st of each year	Annual Campaign Finance Reports Due. This deadline is only pertinent if your contributions/disbursements are greater than \$750.



City of Big Lake Candidates:

Attached you will find a calendar showing upcoming meetings of the Big Lake City Council, Planning Commission, Parks Advisory Committee, and the Economic Development Authority. Feel free to attend any of the meetings as the public is always welcome.

Electronic copies of Council Packets are available from the City of Big Lake Website (www.biglakemn.org/agendacenter) and are generally available the Monday before a Council Meeting.

For further information, the city's website can be used as an excellent tool. Past City Council Agendas, Minutes, and recordings are available at this site. The City website address is: www.biglakemn.org

You can contact either myself, or City Administrator Clay Wilfahrt if you need any further information.

Gina Wolbeck, Clerk
160 Lake Street North
Big Lake, MN 55309
Phone: 763-251-2973
e-mail Address: gwolbeck@biglakemn.org

Clay Wilfahrt, City Administrator
160 Lake Street North
Big Lake, MN 55309
Phone: 763-251-2968
e-mail Address: cwilfahrt@biglakemn.org

CITY MEETING CALENDAR

City of Big Lake Meeting Dates and Election Information

ELECTION INFORMATION FOR JUNE/JULY:

June 26 – Earliest that campaign signs can be put up

June 26 – Absentee Voting begins for the Aug. 11 Primary Election

July 28 – City of Big Lake Filing Period for Mayor and Council Member Seats opens at 8:00 a.m. There will be four local seats up for election in 2020. City of Big Lake voters will elect the following on the November 3, 2020 General Election Ballot:

- One (1) Mayor Seat (4-year term)
- Two (2) Council Member Seats (4-year terms)
- Special Election - One (1) Council Member Seat to fill the remaining 2-year term



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 6pm – Planning Commission Mtg.	2	3 City Offices Closed – Ind. Day Observed	4 Independence Day
5	6	7	8 5pm – Council Workshop 6pm – Council Mtg.	9	10	11
12	13 6pm – BLEDA Mtg.	14	15 6pm – Planning Commission Mtg.	16	17	18
19	20	21 Last day to pre-register for the Aug. 11 Primary Election	22 5pm – Council Workshop 6pm – Council Mtg.	23	24	25
26	27 6:30pm – Parks Advisory Committee Mtg.	28 Mayor & Council Member Seat Filings OPEN	29	30	31	

Local Candidate Filing Closes at 5:00 p.m. on Tuesday, August 11, 2020

Affidavits of Candidacy forms will be available from the Big Lake City Clerk's Office starting Tuesday, July 28, 2020

August

2020

CITY OF BIG LAKE

CITY MEETING CALENDAR

City of Big Lake Meeting Dates and Election Information

ELECTION INFORMATION FOR AUGUST:

August 6 - Public Accuracy Testing will be held at Big Lake City Hall in the City Council Chambers beginning at 9am. This testing is open to the public.

August 11 – PRIMARY ELECTION DAY. Polls open at 7am; close at 8pm

August 11 – City of Big Lake Filing Period CLOSES for Mayor and Council Member Seats; closes at 5:00 p.m.

August 13 – Candidates can withdraw their candidate filing up until 5:00 p.m.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 6pm – Planning Commission Mtg.	6 9am – Public Accuracy Testing at City Hall	7	8
9	10 6pm – BLEDA Mtg. Last day to apply for Absentee Ballot	11 PRIMARY ELECTION DAY Mayor & City Council Member Candidate Filings CLOSE @ 5pm	12 5pm – Council Workshop 6pm – Council Mtg.	13 Local candidates can withdraw their filing up until 5pm at City Hall	14	15
16	17	18	19 6pm – Planning Commission Mtg.	20	21	22
23	24 6:30pm – Parks Advisory Committee Mtg.	25	26 5pm – Council Workshop 6pm – Council Mtg.	27	28	29
30	31					

Candidates required to submit "Initial Campaign Financial Report" - due within 14 days of raising or spending more than \$750 anytime within the calendar year. See Campaign Finance Report information provided in your Candidate Packet.

September

2020

CITY OF BIG LAKE

CITY MEETING CALENDAR

City of Big Lake Meeting Dates and Election Information

ELECTION INFORMATION FOR SEPTEMBER:

September 18 – Absentee voting starts. Ballot applications available from Sherburne County Auditor’s Office; 763-765-4351



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 6pm – Planning Commission Mtg.	3	4	5
6	7 City Offices Closed – Labor Day Holiday	8	9 5pm – Council Workshop 6pm – Council Mtg.	10	11	12
13	14 6pm – BLEDA Mtg.	15	16	17	18 Absentee Voting Begins for General Election	19
20	21	22	23 5pm – Council Workshop 6pm – Council Mtg.	24	25	26
27	28 6:30pm – Parks Advisory Committee Mtg.	29	30			

October

2020

CITY OF BIG LAKE

CITY MEETING CALENDAR

City of Big Lake Meeting Dates and Election Information

ELECTION INFORMATION FOR OCTOBER:

- October 13 – Last day to pre-register for the General Election
- October 23 – Campaign finance reports due - 10 days before the general election.
- October 29 – Public Accuracy Testing will be held at Big Lake City Hall in the City Council Chambers beginning at 9am. This testing is open to the public.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 6pm – Planning Commission Mtg.	8	9	10
11	12 6pm – BLEDA Mtg.	13 Last to pre-register for General Election	14 5pm – Council Workshop 6pm – Council Mtg.	15	16	17
18	19	20	21	22	23 Campaign Finance Reports Due to the City Clerk	24
25	26 6:30pm – Parks Advisory Committee Mtg.	27	28 5pm – Council Workshop 6pm – Council Mtg.	29 9am – Public Accuracy Testing at City Hall	30	31

November

2020

CITY OF BIG LAKE

CITY MEETING CALENDAR

City of Big Lake Meeting Dates and Election Information

ELECTION INFORMATION FOR NOVEMBER and beyond:

- November 3 – GENERAL ELECTION DAY. Polls open at 7am; close at 8pm
- November 9 – Council will canvass results of votes cast for Mayor/CM candidates
- November 10 – Last day for Candidates to file Campaign Finance Report
- November 20 – Clerk will issue Certificates of Election - if the candidate has filed Certificate of Filing form and if the losing candidate(s) have not requested a recount
- January 4 – Terms begin for those elected at the General Election
- January 13 – Mayor/Council Member Elects will be sworn in prior to the start of the 5pm wksp



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Last day to apply for Absentee Ballot from Sher. County Auditor's Office	3 GENERAL ELECTION DAY	4 6pm – Planning Commission Mtg.	5	6	7
8	9 5:30pm – CC Canvass Board Mtg. 6pm – BLEDA	10 Last day for candidate to file Campaign Financial Report "Certification of Filing" form	11 VETERANS DAY – City offices closed Council Meetings moved to 11/12	12 5pm – Council Workshop 6pm – Council Mtg.	13 Last day for Candidates to remove election signs	14
15	16 Last day for candidates to request a recount	17 Clerk will issue "Certificates of Election"	18 Potential Recount Date if applicable	19 Potential Recount Date if applicable	20	21
22	23 6:30pm – Parks Advisory Committee Mtg.	24 5pm – Council Workshop 6pm – Council Mtg. Canvass Recount Votes if applicable	25 11/25 Meetings moved to 11/24	26 City Offices Closed – Thanksgiving Holiday	27 City Offices Closed – Thanksgiving Holiday	28
29	30					

- The City Council will canvass the local election results on 11/09. Candidates have 7 days after canvassing to request a recount.
- Due to the Veteran's Day Holiday, the 1st meeting in November has been moved from 11/11 to THURSDAY, November 12 at their normally scheduled times.
- IF a recount is requested, potential dates for the recount would be 11/18 or 11/19, and the recount would be held at the Sherburne County Government Center in coordination with the County Auditor's Office. Canvassing of the recount would occur at the 11/24 regular meeting.

December

2020

CITY OF BIG LAKE

CITY MEETING CALENDAR



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 6pm – Annual Joint Committee Wksp	2 6pm – Planning Commission Mtg.	3 Camp. Fin. Report & Cert. due if candidate hasn't yet submitted	4	5
6	7	8	9 5pm – Council Workshop 6pm – Council Mtg.	10	11	12
13	14 6pm – BLEDA	15	16	17	18	19
20	21	22	23 Council Meetings have been CANCELLED	24	25	26
27	28 6:30pm – Parks Advisory Committee Mtg.	29	30	31		

January

2021

CITY OF BIG LAKE

CITY MEETING CALENDAR

January 4 - Newly Elected Terms Begin

January 13 – All Newly Elected Officials will be sworn into office in the City Council Chambers at approximately 4:45 p.m. just prior to the start of the Council Workshop.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Newly Elected Terms Begin	5	6 6pm – Planning Commission Mtg.	7	8	9
10 6pm – BLEDA	11	12	13 Newly Elected will be sworn in at 4:45pm in Council Chambers 5pm – CC Workshop 6pm – CC Meeting	14	15	16
17	18	19	20	21 6pm – Annual Joint City/Twsp/ County/School Meeting	22	23
24 6:30pm – Parks Advisory Committee Mtg.	25	26	27 5pm – Council Workshop 6pm – Council Mtg.	28	29	30
31						

**CITY OF BIG LAKE
MUNICIPAL CODE
CHAPTER 2 [Operations and Administration]**

CHAPTER 2 OPERATIONS AND ADMINISTRATION

Section 200 - City Elections

200.01 Date of Election. The regular City Election shall be held biannually on the first Tuesday after the first Monday in November in every even numbered year, beginning with the 1992 election.

200.02 Terms and Transition. Two (2) Council Members shall be elected for four (4) year terms at each biannual City Election. The Mayor shall be elected for a four (4) year term commencing in 2000.

Section 210 - The Council and Public Meetings

210.01 Mayor's Salary. The salary of the Mayor of the City of Big Lake shall be \$500.00 per month (\$6,000.00 yearly).

210.02 Council Member Salary. The salary for each Council member of the City of Big Lake shall be \$400.00 per month (\$4,800.00 yearly).

210.03 Workers' Compensation Coverage. The City of Big Lake, Mayor and City Council members shall be covered by the City's Workers' Compensation Plan.

210.04 Meetings.

Subd. 1 Regular Meetings. Regular meetings of the Council shall be held on the second and fourth Wednesday of each calendar month at 6:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Council Chamber unless the Council decides otherwise at a prior meeting, or meeting in the City Council Chamber is impossible, then the new meeting location shall be posted.

Subd. 2 Workshops. Workshops of the Council shall be held on the second and fourth Wednesday of each calendar month beginning at 5:00 p.m. Any Workshops falling upon a holiday shall be held on the next following business day at the same time and place. All Workshops, including special and adjourned Workshops, shall be held in the City Council Chamber unless the Council decides otherwise at a prior meeting, or meeting in the City Council Chamber is impossible, then the new Workshop location shall be posted. Workshops can be cancelled due to a lack of discussion items. Cancellation Notices shall be given in accordance with State law.

Subd. 3 Special Meetings. The Mayor or any two members of the Council may call a special meeting of the Council upon at least 72 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with State law.

Subd. 4 Emergency Meeting. An emergency meeting may be called by the Mayor or any two members of the Council to discuss an item of such immediate importance that the City or the general public will be at risk if the Council were to delay discussion of the issue. Actual notice of the meeting must be attempted to be given to all members of the Council, and notice provisions of State law must also be met.

Subd. 5 Initial Meeting. At the first regular Council meeting in January of each year the Council shall:

- A. Designate the depositories of City funds;

B. Designate the official newspaper;

C. Choose one of the Council Members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;

D. Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;

E. Establish and appoint Council Members to such Council committees as are deemed appropriate for the efficient and orderly management of the City.

Subd. 6 Public Meetings. All Council meetings, including special and continued meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

Subd. 7 Quorum. At least a quorum of the Council shall be required at all meetings before any business may be transacted except that a group less than a quorum may adjourn a meeting as circumstances may require. A quorum shall be three Members of the Council.

210.05 Presiding Officer.

Subd. 1 Who Presides. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. In the absence of both, the City Administrator shall call the meeting to order and shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2 Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

Subd. 3 Appeal Procedure. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present including the presiding officer.

210.06 Minutes.

Subd. 1 Who Keeps. Minutes of each Council meeting shall be kept by the City Clerk. In the Clerk's absence, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

Subd. 2 Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies shall be delivered to each Council Member

with the following regular Council meeting's agenda packet. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

210.07 Order of Business.

Subd. 1 Order Established. Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the following order unless varied by the presiding officer:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Forum
5. Proposed Agenda
6. Consent Agenda
7. Business
8. Administrator's Report
9. Mayor & Council Reports and Comments/Questions
10. Other
11. Closed Session (only if needed)
12. Adjourn

Subd. 2 Petitions and Agenda. Petitions and other papers addressed to the Council shall be read by the City Administrator upon presentation to the Council, the presentation of a copy to each Council Member shall constitute a reading. All persons desiring to present new business before the Council shall inform the City Administrator at least seven days before said new business is to be heard. The City Administrator may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.

210.08 Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to his/her name, shall be marked "Present-Not Voting".

210.09 Ordinance, Resolutions, Motions, Petitions and Communications.

Subd. 1 Signing and Publication Proof. Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 2 Repeals and Amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part shall set forth in full each amended section or subdivision as it will read with the amendment.

210.10 Suspension or Amendment of Rules. These rules may be suspended only by a two-thirds vote of the members present and voting.

210.11 Hearings.

Subd. 1 General. Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this Section.

Subd. 2 Notice. Every hearing shall be preceded by 10 days mailed notice to all persons entitled by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this Subsection.

Subd. 3 Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made and such other matters as it deems necessary.

Subd. 4 Record. Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes.

CAMPAIGN SIGNS

One of the recurring sources of complaints the City receives during campaign season is the unlawful placement of campaign signs on public property, including the boulevard areas in the street right-of-way, or on private property within the sight triangle at an intersection. Placement of signs in these locations is prohibited for a variety of reasons, generally to protect public safety and minimize maintenance problems along public roadways. In addition, public property must be kept clear of campaign signs to maintain the government's neutrality in an election. While the City does not have sufficient staff to drive around and remove such signs in a proactive manner, we do have a responsibility to respond to citizen complaints about unlawfully placed campaign signs.

To help each candidate understand the regulations pertaining to the placement of campaign signs, we are providing you with a fact sheet. Among other things, it explains that campaign signs are not permitted on public property, including the boulevard portion of the street right-of-way between the edge of the street pavement and the property line. It also explains that campaign signs are generally permitted anywhere on private property with the permission of the owner, as long as they are not within the sight triangle at an intersection as illustrated at the bottom of the fact sheet.

The City of Big Lake understands that political campaigns generally do not have direct control over where their supporters put campaign signs. At the same time, the City cannot ignore the presence of unlawfully placed signs once the violation is brought to staff's attention. For this reason, the City will follow this procedure upon receipt of a complaint about a campaign sign:

1. Staff will verify whether the sign has been placed in a prohibited location.
2. If the sign is located in a prohibited area, City staff will contact the candidate to inform him/her of the sign's location, explain why it is in violation, and give them three business days to remove the sign. On the third day, if the sign has not been removed or lawfully placed, the sign will be brought to City Hall and held for a maximum of 7 business days. The candidate should contact City Hall at 763-263-2107 to arrange to have the sign picked up. If the sign hasn't been picked up within 7 business days, the sign will be disposed of.
3. Any signage that impedes visibility and is a safety hazard, will be removed upon inspection. City Staff will contact the candidate in the same manner as no. 2.

The City appreciates your anticipated cooperation with our efforts to make sure campaign signs are displayed in a safe and lawful manner, and to acknowledge that **all** candidates will be held to the same Sign Ordinance standards. If you have questions regarding placement of campaign signage, please contact City Clerk Gina Wolbeck at 763-251-2973, or at gwolbeck@biglakemn.org. Thank you.

CAMPAIGN SIGN FACT SHEET

Campaign/Political signs are tools to announce a candidate seeking office or advocating a political issue. It is important that all signs comply with City Code and State Law.

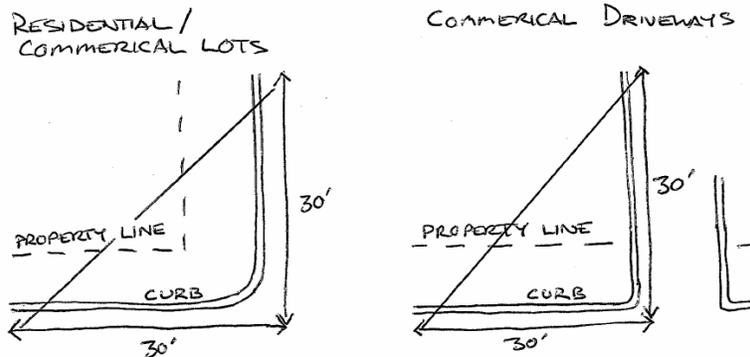
Campaign/Political signs must contain the name and address of the person or committee responsible for the sign and its removal following an election.

In State General Election years, there is no size limit for campaign/political signs posted from June 25th until ten days after the general election (November 13th). Please remember to remove signs after the General Election.

Campaign/Political signs are only permitted on private property with the owner's permission. **They cannot be located in the boulevard area between the street curb and the property line.** It is the responsibility of each Candidate to ensure their campaign signage is placed outside of the City right-of way. If you are not sure where a specific property line is located, you can contact the Big Lake Community Development Dept. at 763-251-2979 or by email at hklimmek@biglakemn.org to obtain plat/survey information.

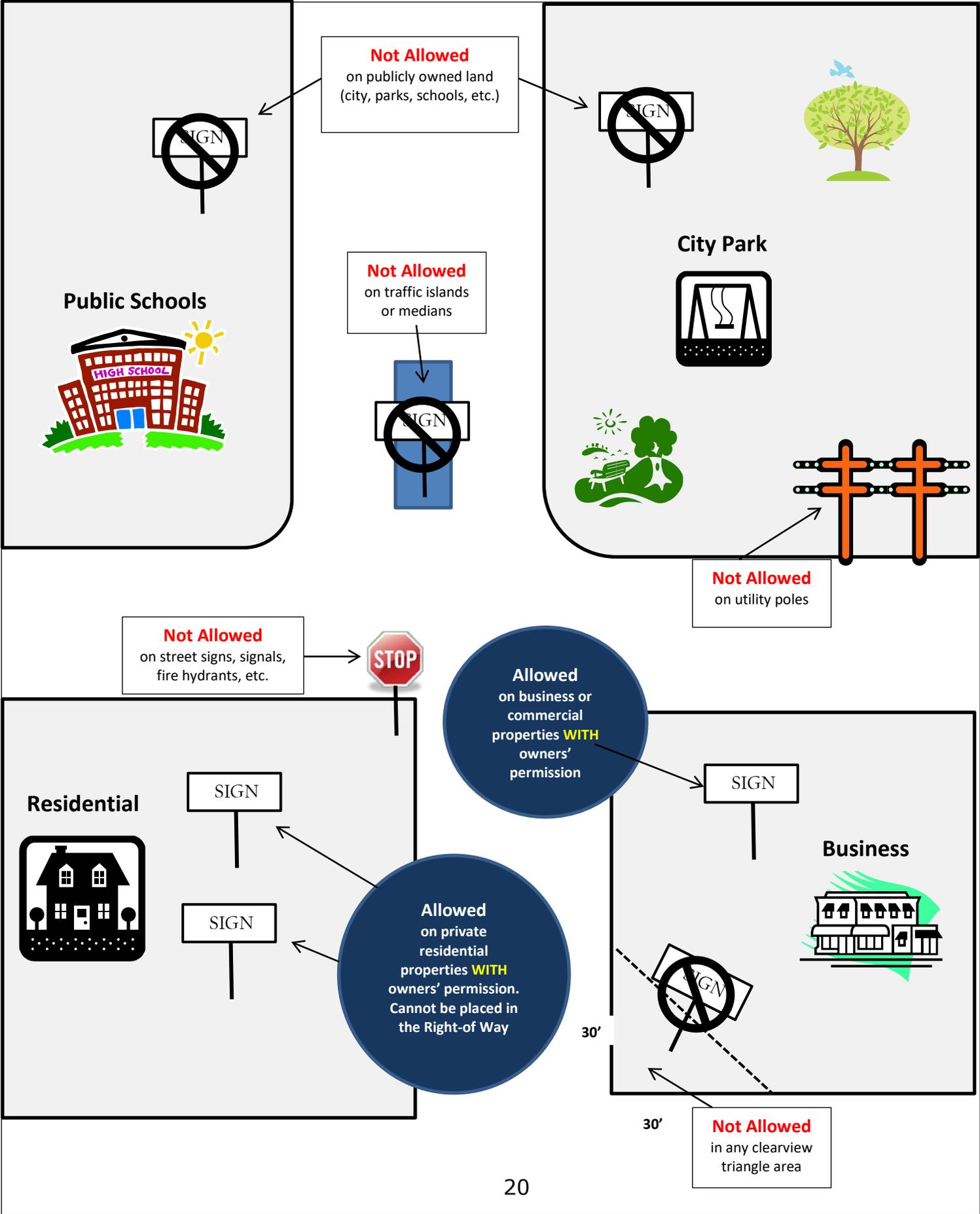
Clear View Triangle Information:

Clear View Triangle. The area around the convergence of two streets or a street and an access driveway where visibility is not impeded. The Clear View Triangle shall be identified as follows: Beginning at the intersection of the projected curb lines adjacent to two intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning.



Prohibited Election Day Activities: Campaigning is not allowed in the polling place or within 100 feet of the building. If the polling place is on public property, campaigning is not allowed anywhere on the property, even beyond 100 feet. Note: Per *Schimming v. Riverblood*, OAH 7-6347-20326-CV (June 5, 2009), the prohibition of signs and campaign materials within 100 feet does not apply to adjacent private property.

Campaign Sign Rules



BIG LAKE CITY CODE
Chapter 13 – Signs
Section 1300.04, subd. 3 campaign signs

1300.04: PERMITTED SIGNS – NO SIGN PERMIT REQUIRED: The signs identified in this Section are permitted subject to sign permit requirements and the regulations set forth in this Ordinance. The following signs are specified as exempt and therefore do not require sign permits. However, their size, area and number are regulated as identified by this Ordinance. Table 1 indicates the type of signs that may be displayed without a sign permit. Brief descriptions of the sign type and display guidelines are discussed following Table 1.

TABLE 1	
NO SIGN PERMIT REQUIRED	
Address Signs	Public Right-of-Way Signs
Building Markers	Real Estate Signs
Election Signs	Residential Nameplate
No Trespass Signs	Temporary Interior Window Signs
	Yard Sale Signs

Subd. 3. Election Signs. Election signs are permitted on private property in any zoning district with the express consent of the owner or occupant of such property. In a State general election year, such signs may not be posted more than 46 days before the State Primary which is held the second Tuesday in the month of August, and must be removed by those responsible for the erection of the sign or the property owner within ten (10) days following the State general election which is held the first Tuesday after the first Monday in November. In any year other than a State general election year, such signs may not be posted more than sixty (60) days prior to the election and must be removed by those responsible for the erection of the sign or the property owner within seven (7) days following the election.

May 7, 2020

RE: Placement of Signs along Trunk Highways

To All Candidates for Public Office:

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

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

These laws protect the safety of the traveling public and those who might place signs. They ensure 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 for public utilities, draining 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 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. Make sure those who place signs on your behalf know the law. Illegally placed signs will be removed by MnDOT employees and temporarily stored. Please contact [local MnDOT offices](#) promptly to retrieve signs that have been removed.

Thank you for participating in the democratic process and thank you for your cooperation.

Sincerely,



Margaret Anderson Kelliher
Commissioner



2020 CAMPAIGN FINANCIAL REPORTS

To: Candidates for Local Office

From: Gina Wolbeck, City Clerk (phone 763-251-2973; email gwolbeck@biglakemn.org)

Minnesota Statute § 211A governs campaign financial reporting. All candidates must file reports either under Option A or Option B below.

OPTION A

Candidates who do not receive contributions or make disbursements of more than \$750 in a calendar year are only required to submit one report.

Report: *Certification of Filing*. States that the candidate has not received contributions or made disbursements exceeding \$750 in the calendar year. **Due by November 10, 2020, 7 days after the General Election.**

OPTION B

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 the 2018 Minnesota Campaign Manual, Section 211A.02. *See reporting due dates below.*

REPORTING DUE DATES:

Report: **Due October 23, 2020**, 10 days before the State General Election (only required if candidate has exceeded the \$750 limit [see Option B above]).

Report: **Due December 3, 2020**, 30 days after the State General Election. A *Certification of Filing* stating that all required reports have been submitted must also be filed.

Final Report: May be filed when all debts have been settled and all assets in excess of \$100 in the aggregate have been disposed of.

Annual Reports: Annual Campaign Finance Reports are due January 31st of each year.

***** PLEASE SEE YOUR MINNESOTA CAMPAIGN MANUAL (provided to each Candidate when you filed for office) FOR DETAILS AND INSTRUCTIONS. FINANCIAL REPORTING FORMS ARE INCLUDED IN THE CAMPAIGN MANUAL.**

CAMPAIGN FINANCE FILINGS

Campaign finance reports are required by *Minnesota Statutes Chapter 211A* for candidates for county, city, township, school district, and other political subdivision offices. They are also required for committees formed to support or defeat a candidate or ballot question.

Campaign finance filings must be filed with the [filing officer](#). The requirements below are in addition to any local requirements, check with the filing officer.

Certification of Filing

All candidates or committees must file a [Certification of Filing](#) within 7 days of a general or special election in which their name is on the ballot. On this form, the candidate or committee treasurer affirms either all required campaign finance reports have been filed, or the candidate or committee did not raise or spend more than \$750 in that calendar year.

Reporting Schedule

Once a candidate or committee raises or spends more than \$750, it must file the reports below until it files a Final Report. Candidates or committees may use the sample [Campaign Finance Report](#) form for these filings. Any filings must include all information required by *Minnesota Statutes 211A.02, subd. 2*.

INITIAL REPORT

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

YEAR-END REPORT

A Year-End Report is due on January 31 of each year after the Initial Report is filed.

PRE-PRIMARY REPORT

A Pre-Primary Report is due 10 days before the primary or special primary when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the primary or special primary.

PRE-GENERAL REPORT

A Pre-General Report is due 10 days before the general election or special election when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the general election or special election.

POST-GENERAL REPORT

A Post-General Report is due 30 days after a general or special election when the candidate's name or ballot question appears on the ballot. This report covers the period from 15 days before the general election or special election through 25 days after the general election or special election.

FINAL REPORT

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

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 _____

Report

Office

Name

For Office Use Only:

INSTRUCTIONS

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

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

Where to file this report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICE OF THE MINNESOTA
SECRETARY OF STATE **STEVE SIMON**

Elections & Voting



REGISTER TO VOTE

Register to vote online, check my registration, and more...



ELECTION DAY VOTING

Find where I vote,
voting hours and more...



OTHER WAYS TO VOTE

Vote early by [mail](#), [in person](#), from [military or overseas](#), [track your absentee ballot](#) or [find your county election office](#).



WHAT'S ON MY BALLOT?

View [my sample ballot](#), search [candidate filings](#) and more...

ELECTION RESULTS

View [election results](#) for recent and past elections. Find other elections data in [data & maps](#).

GET INVOLVED

Participate in a nonpartisan voter education program, sign up to be an election judge and more!

How Elections Work

Ever wonder how you could become a candidate? How are political parties formed? What is a caucus? [Find out here!](#)

Minnesota is committed to protecting and strengthening the security and fairness of our elections process.



SECURE AND FAIR ELECTIONS



Office of the Minnesota Secretary of State
AFFIDAVIT OF CANDIDACY

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

Instructions

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

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot)

Office Sought

District #

For Partisan Office, Provide Political Party or Principle

For Judicial Office, Provide Name of Incumbent

Residence Address

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

Street Address

City

State

Zip Code

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

Campaign Address and Contact

Candidate Phone Number (Required)

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

Street Address

City

State

Zip Code

Website

Email

Affirmation

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

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

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

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

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

Candidate Signature _____ Date _____

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

 Notary public or other officer empowered to take and certify acknowledgement

(Notary stamp)

Office of the Minnesota Secretary of State

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 _____, 2020. I request that my name be withdrawn from the ballot,
pursuant to *Minnesota Statutes* 204B.12, subd. 1.

Signature

Date



Dear Candidates,

The Big Lake Chamber of Commerce & Industry would like to invite you to attend our Political Forum on Monday, October 19, 2020 at the Big Lake High School Auditorium.

There will be a chance for each candidate to answer pre-determined questions, along with questions from the floor screened by one of our Chamber members. The public will be invited. We have planned a Meet and Greet from 6:00pm to 6:30pm with the Forum beginning at 6:30pm. This event will be taped for viewing on our local cable channel and on our website.

We would like to wish you the best of luck in your upcoming race and hope you can attend our Forum.

Please confirm your attendance by October 1st by contacting me at 763-263-7800 or by email at info@biglakechamber.com if you plan to attend.

Sincerely,

Gloria Vande Brake
Executive Director
Big Lake Chamber of Commerce & Industry
160 Lake St. N, PO Box 241
Big Lake MN 55309

2020

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, Bloomington, Minneapolis & Minneapolis Schools

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

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

For further information, please contact the [Hennepin County Election and Voter Registration Department](http://www.hennepin.us/residents#elections) (www.hennepin.us/residents#elections) at

Hennepin County Election and Voter Registration Department
PSL 012 Government Center
300 S. 6th St.
Minneapolis, MN 55487
(612) 348-5151

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](https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/)" webpage located at (https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/).

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

TABLE OF CONTENTS

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

CHAPTER 211B FAIR CAMPAIGN PRACTICES	23
211B.01 DEFINITIONS	23
211B.02 FALSE CLAIM OF SUPPORT	24
211B.03 USE OF THE TERM REELECT	24
211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER	25
211B.045 NONCOMMERCIAL SIGNS EXEMPTION	26
211B.05 PAID ADVERTISEMENTS IN NEWS	26
211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL	27
211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED	29
211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED	29
211B.09 PROHIBITED PUBLIC EMPLOYEE ACTIVITIES.....	30
211B.10 INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS	30
211B.11 ELECTION DAY PROHIBITIONS	30
211B.12 LEGAL EXPENDITURES	31
211B.13 BRIBERY, TREATING, AND SOLICITATION	32
211B.14 DIGEST OF LAWS.....	33
211B.15 CORPORATE POLITICAL CONTRIBUTIONS	33
211B.16 PROSECUTION	36
211B.17 FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED	36
211B.18 DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS	36
211B.19 PENALTIES FOR VIOLATION	37
211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.....	37
211B.205 PARTICIPATION IN PUBLIC PARADES.....	38
211B.21 APPLICABILITY.....	38
211B.31 DEFINITION	38
211B.32 COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES	38
211B.33 PRIMA FACIE REVIEW	39
211B.34 PROBABLE CAUSE HEARING	39
211B.35 EVIDENTIARY HEARING BY PANEL.....	40
211B.36 PROCEDURES	41
211B.37 COSTS ASSESSED.....	41
RELATED LAWS - SELECTED PROVISIONS	43
10A.01 NON-CAMPAIGN DISBURSEMENT.....	43
10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION POLITICAL COMMITTEES AND FUNDS	44
10A.20 CAMPAIGN REPORTS.....	45
10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION	49
10A.31 DESIGNATION OF INCOME TAX PAYMENTS.....	50
10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS	50
160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS	51
160.2715 RIGHT-OF-WAY USE; MISDEMEANORS	51
200.02 DEFINITIONS	51
204C.035 DECEPTIVE PRACTICES IN ELECTIONS.....	53
204C.06 CONDUCT IN AND NEAR POLLING PLACES	53
204C.35 FEDERAL, STATE, AND JUDICIAL RACES	54
204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.....	56
209.02 CONTESTANT; GROUNDS	58
209.021 NOTICE OF CONTEST.....	58

FILING FOR OFFICE CHECKLIST	59
AFFIDAVIT OF CANDIDACY.....	59
NOMINATING PETITIONS AND PETITIONS IN PLACE OF FILING FEE.....	60
FILING FEES.....	60
PROOF OF LICENSURE.....	60
BEFORE LEAVING	60
AFTER FILING	60
WITHDRAWALS.....	61
INDEX	63
CAMPAIGN FINANCIAL REPORT (PHOTOCOPY VERSION)	65
CAMPAIGN FINANCIAL REPORT INSTRUCTIONS.....	66
CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING	67

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 May 1, 2020 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 May 1, 2020 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, 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.

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 auditors also have blank campaign financial forms available.

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

A candidate who intentionally fails to file a required report, a committee that fails to file a required report and an officer who issues a certificate of election to a candidate knowing that the candidate has not filed a financial statement are subject to a civil penalty of up to \$5,000 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.

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 auditors 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](#) 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 he was a member or contributor for more than six months before candidacy or ordinary contributions at church services.

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

Corporate Contributions

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

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

[M.S. 211B.15, 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 nonpreferential basis.

Corporations selling products or services to the public may post notices on their public premises promoting participation in the precinct caucuses, voter registration or voting, provided these messages are not controlled or operated for the advantage of any candidate, political party or committee.

Regulation of Expenditures

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

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

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

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

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

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

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

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

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

Advertising & 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 in order to compel another to vote for or against a candidate or ballot question.

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

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

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

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

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

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

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

Election Day Activities

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

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

Violations of Chapter 211B

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

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

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

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

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

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

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 count 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

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

- (i) The report must disclose the sum of all expenditures made by or on behalf of the reporting entity during the reporting period.
- (j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven. If an advance of credit incurred by the principal campaign committee of a candidate is forgiven by the creditor or paid by an entity other than that principal campaign committee, it must be reported as a donation in kind for the year in which the advance of credit was made.
- (k) The report must disclose the name, address, and registration number if registered with the board of each political committee, political fund, principal campaign committee, or party unit to which contributions have been made that aggregate in excess of \$200 within the year and the amount and date of each contribution.
- (l) The report must disclose the sum of all contributions made by the reporting entity during the reporting period.
- (m) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom noncampaign disbursements have been made that aggregate in excess of \$200 within the year by or on behalf of the reporting entity and the amount, date, and purpose of each noncampaign disbursement, 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 or any candidate's principal campaign committee or agent.
- Subd 15. **Equitable Relief.** A candidate whose opponent does not timely file the report due 15 days before the primary, the report due ten days before the general election, or the notice required under section [10A.25, subdivision 10](#), may petition the district court for immediate equitable relief to enforce the filing requirement. A prevailing party under this subdivision may be awarded attorney fees and costs by the court.

10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION

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

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

Subd. 3. **Definition.** For purposes of this section, a “regular session” starts at 12:00 a.m., on the first day of each annual session and ends at 11:59 p.m. on the last day of each annual session. For purposes of this section, regular session does not include a special session or the interim between the two annual sessions of a biennium.

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

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

10A.31 DESIGNATION OF INCOME TAX PAYMENTS

- Subd. 3a. **Qualification of political parties.** (a) A major political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a major political party by July 1 of the taxable year.
- (b) A minor political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a minor party statewide by July 1 of the taxable year.
- (c) The secretary of state shall notify each major and minor political party by the first Monday in January of each odd-numbered year of the conditions necessary for the party to participate in income tax form and property tax refund return programs.
- (d) The secretary of state shall notify each political party, the commissioner of revenue, and the Campaign Finance and Public Disclosure Board by July 1 of each year and following certification of the results of each general election of the political parties that qualify for inclusion on the income tax form and property tax refund return as provided in subdivision 3.
- Subd. 7a. **Withholding of public subsidy.** If a candidate who is eligible for payment of public subsidy under this section has not filed the report of receipts and expenditures required under section [10A.20](#) before a primary election, any public subsidy for which that candidate is eligible must be withheld by the board until the candidate complies with the filing requirements of section [10A.20](#) and the board has sufficient time to review or audit the report. If a candidate who is eligible for public subsidy does not file the report due before the primary election under section [10A.20](#) by the date that the report of receipts and expenditures filed before the general election is due, that candidate shall not be paid public subsidy for that election.
- Subd. 7b. **Failure to repay.** A candidate who fails to repay money required by the agreement cannot be paid additional public subsidy funds during the current or future election cycles until the entirety of the unexpended funds and any associated collection fees are either repaid to the board or discharged by court action.

10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS

- (a) This section applies to a campaign advertisement by a candidate who is governed by an agreement under section [10A.322](#).
- (b) "Campaign advertisement" means a professionally produced visual or audio recording of two minutes or less produced by the candidate for the purpose of influencing the nomination or election of a candidate.
- (c) A campaign advertisement that is disseminated as an advertisement by broadcast or cable television must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement that is disseminated as an advertisement to the public on the candidate's Web site must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has posted on the Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement must not be disseminated as an advertisement by radio unless the candidate has posted on the candidate's Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so.

160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS

- Subd. 1. **Public notices.** With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city streets.
- Subd. 6. **Removal of unauthorized advertisements, buildings, or structure.** The road authorities may take down, remove, or destroy any advertisement, building, or structure in or upon any highway in violation of this section and section [160.2715](#).

160.2715 RIGHT-OF-WAY USE; MISDEMEANORS

- (a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:
- (1) obstruct any highway or deposit snow or ice thereon;
- (9) place or maintain any advertisement within the limits of any highway, except as provided in section [160.27, subdivision 7](#);
- (10) paint, print, place, or affix any advertisement or any object within the limits of any highway except as provided in section [160.27, subdivision 7](#);
- (11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (b) Any violation of this subdivision is a misdemeanor.

200.02 DEFINITIONS

- Subd. 4. **Special election.** “Special election” means:
- (1) an election held at any time to fill vacancies in state or federal offices; or
- (2) an election for a special purpose held by a subdivision of the state on a date authorized by [section 205.10, subdivision 3a](#), or [205A.05, subdivision 1a](#).
- Subd. 6. **Political Party.** “Political party” means an association of individuals under whose name a candidate files for partisan office.
- Subd. 7. **Major political party.** (a) “Major political party” means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:
- (1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or
- (2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.
- (b) “Major political party” also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor, and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.
- (c) “Major political party” also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding

state general election. A signature is valid only if signed no more than one year prior to the date the petition is filed.

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

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

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

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

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

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

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

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

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

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

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

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

204C.035 DECEPTIVE PRACTICES IN ELECTIONS

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

204C.06 CONDUCT IN AND NEAR POLLING PLACES

- Subd. 1. **Persons allowed near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote or an individual who is conducting exit polling shall stand within 100 feet of the building in which a polling place is located. “Exit polling” is defined as approaching voters in a predetermined pattern as they leave the polling place after they have voted and asking voters to fill out an anonymous, written questionnaire.
- Subd. 2. **Individuals allowed in polling place.** (a) Representatives of the secretary of state’s office, the county auditor’s office, and the municipal or school district clerk’s office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a disabled voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.
- (b) Teachers and elementary or secondary school students participating in an educational activity authorized by section [204B.27, subdivision 7](#), may be present at the polling place during voting hours.
- Subd. 3. **Damaging or removing election materials; gross misdemeanor.** No individual shall intentionally:
- (a) tear down, mutilate, deface or otherwise damage during the hours of voting any voter instruction poster placed inside or outside of a polling place by an election judge or other election official; or
- (b) remove from the polling place before the time for voting ends any ballots prepared for use at the election or any supplies or conveniences placed in voting booths for use by the voters, except as authorized by law.
- A violation of this subdivision is a gross misdemeanor.
- Subd. 4. **Damaging or removing election materials; felony.** No individual shall intentionally:
- (a) remove from a polling place any election file or election register, except as authorized by law;
- (b) damage, deface, or mutilate any ballot, election file or election register or any item of information contained on it, except as authorized by law; or
- (c) add anything to a ballot, election file, or election register, except as authorized by law.
- (d) A violation of this subdivision is a felony.

Subd. 7. **Use of intoxicating liquor; prohibition; penalty.** During the time an election is being held it is a misdemeanor to bring intoxicating liquor or 3.2 percent malt liquor into in a polling place, to drink intoxicating liquor or 3.2 percent malt liquor in a polling place, or to be intoxicated in a polling place. The election judges shall not permit an obviously intoxicated individual to vote or remain in the polling place for any purpose.

204C.06 NOTES & DECISIONS

Statutory violations in the conduct of elections do not of themselves invalidate an election. *Munnell v. Rowlette*, 275 Minn. 92, 145 N.W. 2d (1966).

Former section 204A.37 limited who may be in a polling place while the polls are open. Former section 204A.40 applies after the polls close. Op. Atty. Gen. 182A-5, November 20, 1964. See sections M.S. 204C.07, 204C.19 and 204C.21.

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

Section applies to village and town elections. Op. Atty. Gen. 490C, November 19, 1954.

When polling place is held in town garage building, coffee socials may not be held within same building. Op. Atty. Gen. 672M, May 10, 1954.

It was not permissible for one of the judges of election on election day to take ballot from polling place to home of sick or disabled person, permit such person to mark it and then return to polling place and cast it in name of such person. Op. Atty. Gen. 28C-1, November 27, 1935.

204C.35 FEDERAL, STATE, AND JUDICIAL RACES

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

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

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office is less than one-quarter of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote upon receiving a written request from the candidate whose nomination is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 5:00 p.m. on the second day after the canvass of the primary for which the recount is being sought.

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

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

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office and the votes of any other candidate for that office is less than one-quarter of one percent of the total number of votes counted for that office or is ten votes or less if the total number of votes cast for the office is 400 votes or less, the canvassing board shall manually recount the votes upon receiving a written request from the candidate whose election is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the general election, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by

the filing officer no later than 5:00 p.m. on the second day after the canvass of the election for which the recount is being sought.

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

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

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section [204C.32](#).

(d) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(e) The results of the recount must be certified by the canvassing board as soon as possible.

(f) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(g) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section [206.89, subdivision 4](#), the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section [206.86, subdivision 5](#), are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter [209](#).

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

204C.35 NOTES & DECISIONS

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been rejected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009). (However, see Laws

2013, section [203B.121, subd. 2 \(e\)](#) which prohibits rejected absentee ballots from being opened or reviewed except in an election contest).

A manual administrative recount, which is necessary when the margin of victory in an election is less than one-half of one percent, is intended to ensure that the votes cast in the election were accurately counted. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS

Subd. 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and (c), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

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

(c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed by 5:00 p.m. on the fifth day after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

(e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1, clauses (a) to (e). The votes shall be manually recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been

counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section [204C.32](#).

(d) The results of the recount must be certified by the canvassing board as soon as possible.

(e) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(f) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section [206.89, subdivision 4](#), the cost of the recount must be paid by the jurisdiction conducting the recount.

- Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.
- Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.
- Subd. 5. **Notice of contest.** Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.
- Subd. 6. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

209.02 CONTESTANT; GROUNDS

Subd. 1. **General.** Any eligible voter, including a candidate, may contest in the manner provided in this chapter:

(1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or

(2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

209.02 NOTES & 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.

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. Has to 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.
7. Affidavit is complete, signed and notarized.
 - a. Either 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 at a later date.

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 general election ballots, candidates can find their filing information at the OSS Candidate Finder 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 as well.
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. 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 receive the certificate of election.

INDEX

ADVANCING MONEY.....	15	ELECTION DAY		PENALTIES	
ADVERTISEMENTS.....	14	PROHIBITIONS	30	211B	16, 37
ADVERTISING AND LITERATURE		ELECTION DAY ACTIVITIES	16	PENALTIES FOR VIOLATIONS.....	21
REQUIREMENTS	14	EVIDENTIARY HEARING BY PANEL		POLITICAL CONTRIBUTIONS	
APPLICABILITY		40	CORPORATE	33
211B	38	EXPENDITURES		POLLING PLACES	
BILLS WHEN RENDERED AND PAID		LEGAL.....	31	CONDUCT	53
.....	20	FAILURE TO FILE STATEMENT.....	19	PRIMA FACIE	39
BRIBERY	15, 32	FAILURE TO KEEP ACCOUNT;		PROBABLE CAUSE HEARING.....	39
CAMPAIGN FINANCE AND PUBLIC		PENALTY	20	PROHIBITED TRANSFERS.....	22
DISCLOSURE BOARD	3	FAIR CAMPAIGN PRACTICES.....	23	PROMISE APPOINTMENTS	15
CAMPAIGN FINANCIAL REPORT,		FALSE CLAIM OF PARTY SUPPORT		PROSECUTION.....	36
CHAPTER 211A	10	15	PUBLIC EMPLOYEE ACTIVITIES	
CAMPAIGN FINANCIAL REPORT,		FALSE CLAIM OF SUPPORT	24	PROHIBITED	30
WHERE TO FILE	11	FALSE POLITICAL AND CAMPAIGN		RECOUNT	
CAMPAIGN FINANCIAL REPORTING		MATERIAL		EXPENSES	57, 58
.....	17	EXCEPTIONS.....	27	NOTICE OF CONTEST.....	57, 58
CAMPAIGN PRACTICES		PENALTY	27	RECOUNTS	
COMPLAINTS.....	38	FEDERAL OFFICES	12	COUNTY.....	56
CAMPAIGN PRACTICES, CHAPTER		FEDERAL RACES	54	MUNICIPAL.....	56
211B.....	12	FINAL REPORT	19	SCHOOL DISTRICT.....	56
CAMPAIGN REPORTS	44, 45, 49	FINAL REPORTS, CAMPAIGN		REELECT	15
CERTIFICATION OF FILING,		FINANCIAL REPORT.....	10	REELECT	
CAMPAIGN FINANCIAL REPORT		FINANCIAL REPORT	17	USE OF TERM	24
.....	12	FORFEITURE OF NOMINATION...	36	REGULATION OF EXPENDITURES	13
COMPLAINTS		FORFEITURE OF NOMINATION OR		RELATED LAWS.....	43
UNFAIR CAMPAIGN PRACTICES		OFFICE	20	REQUIRED RECOUNTS.....	56
.....	38	FORFEITURE OF OFFICE	36	SECRETARY OF STATE'S DUTIES ..	19
CONTESTANT		IMPROPERLY INFLUENCING		SOLICITATION.....	32
GROUNDS	58	VOTERS.....	15	SOLICITATION OF CONTRIBUTIONS	
CONTRIBUTION LIMITS	21	INCOME TAX PAYMENTS.....	50	PROHIBITED	29
CONTRIBUTIONS AND		INFLUENCING A PERSON'S		SPENDING LIMITATIONS AMOUNT	
SOLICITATIONS DURING		CANDIDACY	15	13
LEGISLATIVE SESSION.....	22	INFLUENCING OTHERS	15	SPENDING LIMITATIONS-PURPOSE	
CONTRIBUTIONS, SOLICITATION OF		JUDICIAL RACES	54	13
.....	13	MAJOR POLITICAL PARTY	51	STATE RACES	54
CORPORATE CONTRIBUTIONS	13	MINOR POLITICAL PARTY	52	SUMMARY AND ANNOTATIONS ...	9
COSTS ASSESSED	41	MISDEMEANORS		THREATS.....	15
COUNTY ATTORNEY INQUIRY	20	160.27.....	51	TRANSPORTING VOTERS.....	15
DENIAL OF ACCESS		MULTIPLE-UNIT DWELLINGS	16	TREATING.....	15, 32
MULTIPLE UNIT DWELLINGS..	37	NON-CAMPAIGN DISBURSEMENT		UNDUE INFLUENCE	15, 29
DIGEST OF LAWS.....	33	43	USES OF RIGHT-OF-WAY	51
DISCRETIONARY BALLOT		NONCOMMERCIAL SIGNS		VIOLATION	
QUESTION RECOUNTS	57	EXEMPTION	26	211B	37
DISCRETIONARY CANDIDATE		NOTICE OF CONTEST	58	VIOLATIONS	
RECOUNTS	57	OPTIONAL RECOUNT	55	211B	16
DISQUALIFIED CANDIDATE	36	OTHER PRINTED LITERATURE	15		
DISQUALIFIED INDIVIDUALS NOT		PAID ADVERTISEMENTS IN NEWS			
TO HOLD VARIOUS POSITIONS		26		
.....	21	PARADES.....	38		

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
2020 Campaign Manual
4/24/2020



2020 CAMPAIGN FINANCIAL REPORTS

To: Candidates for Local Office

From: Gina Wolbeck, City Clerk (phone 763-251-2973; email gwolbeck@biglakemn.org)

Minnesota Statute § 211A governs campaign financial reporting. All candidates must file reports either under Option A or Option B below.

OPTION A

Candidates who do not receive contributions or make disbursements of more than \$750 in a calendar year are only required to submit one report.

Report: *Certification of Filing*. States that the candidate has not received contributions or made disbursements exceeding \$750 in the calendar year. **Due by November 10, 2020, 7 days after the General Election.**

OPTION B

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 the 2020 Minnesota Campaign Manual, Section 211A.02. *See reporting due dates below.*

REPORTING DUE DATES:

Report: **Due October 23, 2020**, 10 days before the State General Election (only required if candidate has exceeded the \$750 limit [see Option B above]).

Report: **Due December 3, 2020**, 30 days after the State General Election.

A *Certification of Filing* stating that all required reports have been submitted must also be filed, if not already filed.

Final Report: May be filed when all debts have been settled and all assets in excess of \$100 in the aggregate have been disposed of.

Annual Reports: Annual Campaign Finance Reports are due January 31st of each year.

***** PLEASE SEE YOUR MINNESOTA CAMPAIGN MANUAL (provided to each Candidate when you filed for office) FOR DETAILS AND INSTRUCTIONS. FINANCIAL REPORTING FORMS ARE INCLUDED IN THE CAMPAIGN MANUAL.**

CAMPAIGN FINANCE FILINGS

Campaign finance reports are required by *Minnesota Statutes Chapter 211A* for candidates for county, city, township, school district, and other political subdivision offices. They are also required for committees formed to support or defeat a candidate or ballot question.

Campaign finance filings must be filed with the [filing officer](#). The requirements below are in addition to any local requirements, check with the filing officer.

Certification of Filing

All candidates or committees must file a [Certification of Filing](#) within 7 days of a general or special election in which their name is on the ballot. On this form, the candidate or committee treasurer affirms either all required campaign finance reports have been filed, or the candidate or committee did not raise or spend more than \$750 in that calendar year.

Reporting Schedule

Once a candidate or committee raises or spends more than \$750, it must file the reports below until it files a Final Report. Candidates or committees may use the sample [Campaign Finance Report](#) form for these filings. Any filings must include all information required by *Minnesota Statutes 211A.02, subd. 2*.

INITIAL REPORT

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

YEAR-END REPORT

A Year-End Report is due on January 31 of each year after the Initial Report is filed.

PRE-PRIMARY REPORT *The City of Big Lake does NOT hold a primary. No City of Big Lake candidates names will appear on the Primary Election Ballot, therefore candidates are not required to file a Pre-Primary Report.*

A Pre-Primary Report is due 10 days before the primary or special primary when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the primary or special primary.

PRE-GENERAL REPORT

A Pre-General Report is due 10 days before the general election or special election when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the general election or special election.

POST-GENERAL REPORT

A Post-General Report is due 30 days after a general or special election when the candidate's name or ballot question appears on the ballot. This report covers the period from 15 days before the general election or special election through 25 days after the general election or special election.

FINAL REPORT

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

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 _____

Report

Office

Name

For Office Use Only:

INSTRUCTIONS

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

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

Where to file this report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Office of the Minnesota Secretary of State

CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

Instructions

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

Campaign Information

Name of candidate or committee

Office sought by candidate (if applicable)

Identification of ballot question (if applicable)

Certification

Select the appropriate choice below, and sign.

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

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

Signature of candidate or committee treasurer

Date

Important Changes to Office Operations: [COVID-19 Information](#)

OFFICE OF THE MINNESOTA
SECRETARY OF STATE STEVE SIMON

DISCLAIMER REQUIREMENT

Minnesota Statutes 211B.04 requires a disclaimer on campaign literature distributed by a candidate or committee to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question.

The required form of disclaimer is: "Prepared and paid for by the committee,(address)," but if there was no cost for the production and dissemination of the materials, *Minnesota Statutes 211B.04* provides alternate disclaimer language.

Materials created and distributed by individuals or associations not required to register or report under *Minnesota Statutes* chapters 10A and 211A are exempt from this requirement, as are items where the inclusion of a disclaimer would be impracticable. Certain items, such as fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate, do not require a disclaimer. Additionally, bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer cannot be conveniently printed do not require a disclaimer. Also exempt are electronic communications that link directly to a webpage on which the disclaimer appears.

The Office of Administrative Hearings (OAH) has jurisdiction over *Minnesota Statutes 211B*. Additional information on the enforcement of fair campaign practices can be found on the OAH's [Fair Campaign Practices](#) webpage.

211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER.

Subdivision 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*

TO: Candidates, Political Campaigns, Political Parties, Political Committees and Other Interested Persons

FROM: Minnesota Attorney General's Office

DATE: April 27, 2020

RE: Minnesota's Automatic Dialing-Announcing Device Law

This memorandum is to provide 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 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) (2018). An "automatic dialing-announcing device," or "ADAD," is defined as "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. "Subscriber" is defined as "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.

The attached law also contains other provisions relating to the use of ADADs in Minnesota. For example, all ADADs (to the extent their use is not prohibited) must be designed and operated to disconnect within ten (10) seconds after termination of the telephone call by the subscriber. *Id.* § 325E.28. ADADs may not be used before 9:00 a.m. or after 9:00 p.m. *Id.* § 325E.30. In addition, where 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. This Office generally intends to follow the following policy:

Upon receiving a verified and substantiated complaint that the above statute has been violated, the AGO will promptly contact the campaign that had allegedly violated the law and advise it of the alleged ADAD violations. Upon thereafter receiving verified and substantiated complaints from at least three or more individuals involving an identified 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.

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

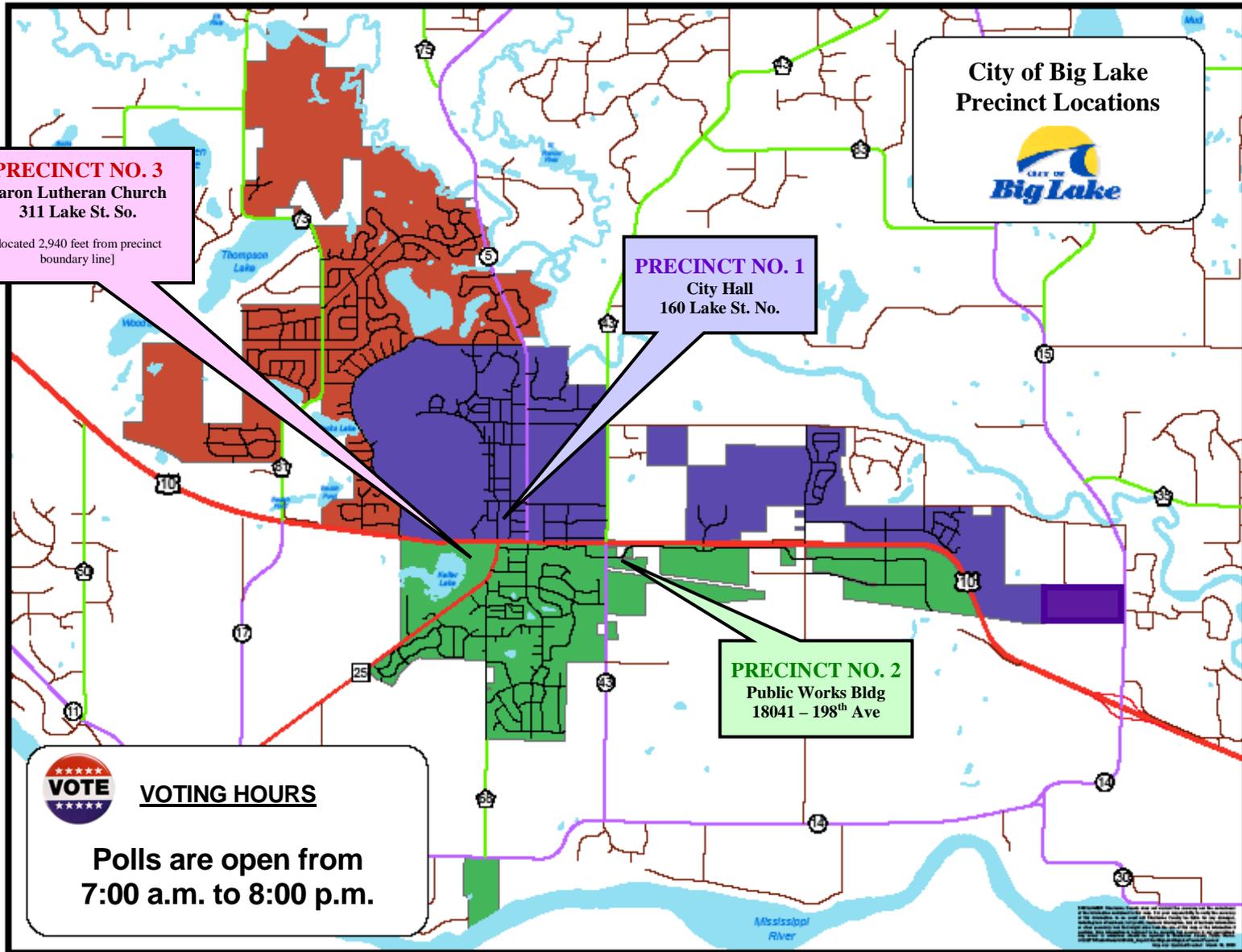
- 1) The date and time the subscriber received the ADAD message;
- 2) Where available (i.e., when left on an answering machine), a recording of the text of the message;
- 3) Substantiation of the identity of the caller;
- 4) A statement that the subscriber (which includes persons living or residing with 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 2020.

Attachment

CITY OF BIG LAKE RESIDENTS

Locate Your Polling Place!



Precinct No. 1 – BIG LAKE CITY HALL
160 Lake Street North.

All residents who live north of Hwy 10 and east of Lakeshore Drive or south of Hiawatha Avenue will vote at Big Lake City Hall (located at the intersection of Hwy 10 and 25).

Precinct No. 2 – BIG LAKE PUBLIC WORKS BUILDING
18041 – 198th Avenue.

All residents who live on the south side of Highway 10 will vote at the Big Lake Public Works Building (located by the new water tower site along Hwy 10).

Precinct No. 3 – SARON LUTHERAN CHURCH
311 Lake Street South.

All residents who live north of Hwy 10 and west of Lakeshore Drive or north of Hiawatha Avenue will vote at Saron Lutheran Church.

OFFICE OF THE MINNESOTA
SECRETARY OF STATE STEVE SIMON



REGISTER TO VOTE (or Update Your Registration) Step 1 (Of 5): See If You're Eligible

Before You Begin:

- You will need an **email address**. Use a [paper application](#) if you don't have one.
- You will need your **Minnesota driver's license** or **Minnesota identification card** number. If you don't have one of these, you may use the last four numbers of your Social Security number. If you don't have either of these, use a [paper application](#).
- If you are a participant in Minnesota's [Safe at Home Address Confidentiality Program](#), do not register to vote or update your registration online. Contact Safe at Home at 1-866-723-3035.

Find more information about [elections and voter registration](#), including the availability of registration and voting assistance for [the elderly or individuals with disabilities](#), and residents of [health care facilities and hospitals](#).

**Please note: You must answer all questions in order to register to vote.
Scroll down to get started.**

Are you a U.S. citizen? 

YES

NO

Will you be at least 18 on or before the next election?

YES

NO

Are you currently incarcerated, on parole, or on probation as part of a felony conviction sentence? (If you've had a felony conviction, you can vote once you complete your sentence.) ?

[More info »](#)

YES

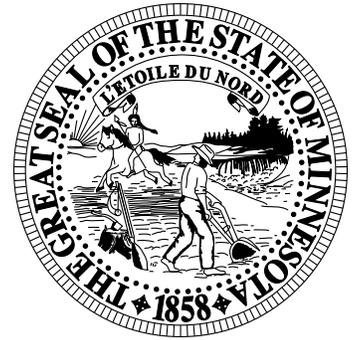
NO

NEXT

Where to Return This Application

Mail or drop off this form to:

Sherburne County Auditor/Treasurer's Office
13880 Business Center Drive
Elk River, MN 55330-4601



Deadline Information

We encourage you to register before Election Day — it will save you time at the polling place. The deadline to register in advance is 21 days before Election Day. Otherwise, you can register on Election Day at your polling place. Visit mnvotes.org to learn what documents and/or identification you will need to bring. An application that a third-party collects must be received by the Office of the Secretary of State, or by the voter's county election office within 10 days of when the voter signed and dated the application.

Assistance

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

Privacy Notice

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

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

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

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

Additional Voting Information

For more information on voting, registering to vote, finding your polling place, state election results, campaign information, or conducting elections, go to the Minnesota Secretary of State website at mnvotes.org or call toll free 1-877-600-VOTE (1-877-600-8683). For a TTY/TTD (deaf and hard of hearing) communication, contact the Minnesota Relay Service at 1-800-627-3529 or 711.

CITY OF BIG LAKE, MINNESOTA

Mayor and City Council **BYLAWS**

Adopted on June 13, 2007

Revision Dates:

November 28, 2007
October 22, 2008
April 22, 2009
January 10, 2011
February 13, 2013
June 23, 2015

TABLE OF CONTENTS

Section #	Topic	Page #
Section 100	Purpose	3
Section 200	Regular, Special and Emergency Meetings and Work Sessions	3
Section 300	Annual Meeting	5
Section 400	Meeting Agenda Format and Consent Agenda	5
Section 500	Quorum and Voting Procedures	7
Section 600	Minute Preparation	8
Section 700	Roles at Meeting	9
Section 800	Motions, Resolutions, Ordinances	11
Section 900	Public Hearing Format	12
Section 1000	Committee Structure	13
Section 1100	Suspension of Rules	15
Section 1200	Reimbursement for Expenses	15
Section 1300	Code of Ethics and conduct	16
Section 1400	City Council Recognition	17
Section 1500	City Council/Staff Relations	17
Appendix A	Types of Motions, Votes, and Procedures	20
Appendix B	Elected Officials' Duties and Responsibilities	23

**SECTION 100:
PURPOSE**

- 101: Purpose of the Big Lake City Council Bylaws is to provide the members of the City Council with a set of operating procedures designed to guide them during the Council meetings, and to establish a code of ethics and conduct.
- 102: The Bylaws shall be considered and adopted at the Annual Meeting of the Big Lake City Council. The Annual Meeting is the first regular meeting in January. Bylaws can be reviewed and amended at any meeting other than the Annual Meeting. Any changes or amendments to the Bylaws shall follow this procedure:
- 102.1 A motion to amend a specific section, subsection, paragraph, sentence, or line is proposed.
 - 102.2 A second to the motion is required.
 - 102.3 Discussion on the Bylaws amendment occurs.
 - 102.4 The vote is taken. A simple majority is required to pass the Bylaws at the annual meeting. A super majority is required at any meeting other than the annual meeting.

**SECTION 200:
REGULAR, SPECIAL AND EMERGENCY MEETINGS, AND WORK SESSIONS**

- 201: Except as otherwise provided in the Minnesota Open Meeting Law, M.S.A., Section 471.705, all meetings of the City Council, including regular, special, emergency, work sessions, and adjourned meetings shall be open to the public.
- 202: **REGULAR MEETINGS:** The Big Lake City Council regular meeting shall be held on the second and fourth Wednesdays of each month commencing at 6:00 p.m. All regular meetings shall be held in the designated City Council Chambers. An Open Forum will be incorporated into the regular meeting agenda following the adoption of the agenda. The Open Forum will last no later than 30 minutes. The purpose of the Forum is to afford the public an opportunity to address concerns to the Council. Items to be considered on the agenda cannot be addressed at the Open Forum. Forum items are also restricted to City governmental topics rather than as a mechanism for private agendas. Open Forums are included as part of the regular meeting minutes and cablecast live.

When a regular meeting is projected to fall on an official holiday, the City Council shall reschedule the meeting for the following business day. The City Council may consult with the City Administrator to determine the amount of business pending and decide by majority vote to reschedule or cancel a meeting. The City Administrator or their designee shall post notice and publish in the paper the decision of the City Council to reschedule or cancel the meeting pursuant to the Open Meeting Law. A City Council member shall inform the City Administrator when an absence is planned or pending prior to the meeting. The City Administrator shall inform the members of the City Council at the meeting that the member cannot be in attendance at the meeting.

- 203: **SPECIAL MEETINGS:** Special Meetings may be called by a majority vote of the City Council. Written notice shall be given to each member of the City Council of the time, place and purpose of the meeting. The notice shall be delivered to the member or a

responsible person at the member's residence at least three days in advance of the meeting. Notice shall be posted at City Hall and provided to any member of the public or news media who have requested notification in writing.

- 204: The agenda for a regular meeting will be prepared by the City Administrator and shall be available the Monday before the Wednesday meeting, except in the event of a holiday during agenda preparation week in which case the agenda will be available on Tuesday. The agenda shall include the items set forth under City Ordinance - Meeting Agenda Format and Consent Agenda. Copies of the agenda, supporting documentation and minutes from the previous meeting shall be made available to the public:

Once the materials have been delivered to the Councilmembers. A copy of the agenda materials will be available in the Council Chambers for public inspection at the time of the meeting. Agendas will also be available online through the City Website preceding the City Council regular meeting.

- 205: **EMERGENCY MEETINGS:** The Mayor or City Administrator may call an emergency meeting. Notice of the emergency meeting shall be given by either telephone, fax or written notice to members of the City Council. Notice shall be provided to each news medium and individual that has filed a written request for notice. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a special meeting called because of circumstances that require immediate consideration by the City Council.
- 206: **WORK SESSIONS:** The Big Lake City Council Workshop meetings shall be held on the second and fourth Wednesday of each calendar month. Workshops will commence at 5:00 p.m. All Workshops shall be held in the designated City Council Chambers. The City Administrator may schedule other work sessions subject to Council approval. The purpose of the work session is to afford the City Council, City Administrator and City staff the opportunity to discuss policy matters in a more informal environment. Public input will not be allowed unless specifically scheduled in the agenda. The work session may be canceled at the discretion of the City Administrator. The City Administrator will provide a review of discussions held at the Work Sessions at the next regularly scheduled Council Meeting.
- 207: **CITY COUNCIL OPEN FORUM:** A City Council "Open Forum" shall be part of each City Council meeting. No individual presentation shall exceed two (2) minutes. If more than three (3) persons desire to speak, the time allotted for each presentation shall be reduced equally to stay within the time limit. To be recognized, individuals who desire to participate in the Open Forum shall use the sign-up sheet provided in the City Council Chambers.

The Open Forum is provided as an opportunity for residents, business owners and property owners of Big Lake to address the City Council on any subject that is of community interest, provides information required by the Council to complete its duties, or is provided by agencies representing citizens of Big Lake.

- 207.1 Every individual who addresses the Council at the Open Forum must first be recognized by the presiding officer and then shall state his/her name and address before beginning any comments.

- 207.2 No Council action may take place during the Open Forum. However, Councilmembers may express their views or reaction to a presentation and may ask questions of the presenter.
- 207.3 At the conclusion of the Open Forum, the Council may, by motion and majority vote, indicate its interest that the subject matter of an Open Forum presentation be placed on a subsequent City Council agenda.
- 207.4 Items to be considered on the agenda may not be addressed at the Open Forum. Forum items are also restricted to City governmental topics rather than as a platform for private agendas.
- 207.5 If any Councilmember deems that the comments are not germane to issues within the purview of the City Council, the Councilmember may request the presiding officer to request the speaker to yield the podium. Further, any Councilmember may object to the request of the presiding officer to ask a speaker to yield the podium, in which case, the presiding officer shall put the matter to a vote of the Council.
- 207.6 Open Forums are included as part of the regular meeting minutes and cablecast live.
- 207.7 As the presiding officer, the Mayor shall have the authority to adjourn the public forum if there is a breach of decorum.

**SECTION 300:
ANNUAL MEETING**

301: The first regularly scheduled meeting in January shall be referred to as the annual meeting. Regular business may be conducted at this meeting and the following organizational business is required unless deferred by the Council for a specific reason.

At the first regular Council meeting in January of each year the Council shall:

- 301.1 Designate the depositories of City funds;
- 301.2 Designate the official newspaper;
- 301.3 Choose one of the Council Members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- 301.4 Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;
- 301.5 Establish and appoint Council Members to such Council committees as are deemed appropriate for the efficient and orderly management of the City.

**SECTION 400:
MEETING AGENDA FORMAT AND CONSENT AGENDA**

401: Business of the meeting will be conducted according to the agenda prepared by the City Administrator. The City Administrator will prepare an agenda in accordance with that follows this order:

Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the following order unless varied by the presiding officer:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Forum
5. Proposed Agenda
6. Consent Agenda
7. Business
8. List of Claims
9. Administrator's Report
10. Mayor & Council Reports and Comments/Questions
11. Other
12. Closed Session (only if needed)
13. Adjourn

402: **CITY ADMINISTRATOR TO DETERMINE AGENDA:** It shall be the responsibility of the City Administrator to prepare and decide the City Council agenda. The City Administrator shall be responsible for overseeing and reviewing the preparation of all agenda items.

- 402.1 If a member of the public requests to appear before the City Council, or requests an item to be placed on the Council agenda, the City Administrator shall determine whether the item should appropriately be considered by the City Council at a regular meeting.
- 402.2 If the City Administrator determines that an item should not be placed on a City Council agenda, the City Administrator may recommend that the individual appear at a City Council Open Forum.
- 402.3 The City Administrator or their designee shall maintain a list of items scheduled to appear on meeting agendas. The City Administrator shall endeavor to manage the anticipated length of Council meetings in order to assure each matter

receives full and fair consideration, and that the meeting can be concluded by 11 p.m.

402.4 The City Council maintains final authority to approve, disapprove or modify the agenda.

403: The presiding officer may call a recess at any time during the meeting. Except for recesses for executive sessions, the presiding officer shall announce the length of the recess. The purpose of the recess is to provide the City Council, City staff and the public attending the meeting with a short rest period from the Council business.

404: Unless waived by motion, second and majority vote, no agenda item shall be initiated after 11 p.m. If a motion to extend the meeting is tendered, it shall include the time the meeting is to be adjourned. A meeting, once extended, must be adjourned at the time specified in the approved motion to extend.

SECTION 500: QUORUM AND VOTING PROCEDURES

501: At each meeting, a majority of all the members elected (3 out of 5) shall constitute a quorum for the transaction of business.

502: The voting options available to the City Council when a vote has been initiated are: aye – an affirmative vote; nay - a negative vote. If a Council Member chooses not to state their vote, it shall be recorded as having voted in the affirmative. A Councilmember may abstain only when they have a disqualifying conflict of interest.

503: Except as authorized in Minn. Stat. 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Minn. Stat. Section 471.87

504: A public official who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession or occupation, must take the following actions:

504.1 Advise the City Attorney of the potential conflict of interest as soon as possible, preferably before the meeting; and

504.2 The City Attorney shall determine whether a disqualifying conflict of interest exists.

504.3 Any Councilmember shall orally inform the City Council of the potential conflict and abstain from any participation in that agenda item.

505: The purpose behind the creation of a rule, which would disqualify public officials from participating in proceedings in a decision-making capacity when they have a direct conflict of interest in its outcome, is to insure that their decision will not be an arbitrary reflection of their own selfish interests. There is no settled general rule as to whether such an interest will disqualify an official. Each case must be decided on the basis of the particular facts present. Among the relevant factors that should be considered in making

this determination are: (1) nature of the decision being made; (2) the nature of the pecuniary interest; (3) the number of officials making the decision who are interested; (4) the need, if any, to have interested persons make the decision; and (5) the other means available, if any, such as the opportunity for review, that serve to insure that the officials will not act arbitrarily to further their selfish interests.

- 506: When a vote is to be taken, the presiding officer shall first call for the ayes, then the nays. The votes of each member shall be recorded in the Minutes. If a member of the City Council is absent during a vote, the member's vote for the official Minutes shall read as "absent".
- 507: Three votes shall be necessary for approval of any ordinance unless a larger number is required by statute. A majority vote of a quorum is necessary for the approval of all general motions and resolutions.
- 508: When a question is put by the presiding officer, every member present shall vote; unless the Council, for special reason, shall excuse a member prior to the calling of the vote or a conflict of interest prohibits a member from voting. If a member abstains from voting based upon a conflict of interest, the Councilmember must advise the presiding officer of the nature of the conflict. A vote dealing with a special assessment that affects a Council member's property shall be considered a disqualifying interest. Otherwise, any Councilmember, who being present when his or her name is called fails to vote upon any then pending proposition, shall be recorded as having voted in the affirmative.
- 509: Voting Procedure: An agenda item shall be put before the City Council for its consideration and vote in the following manner:
- 509.1 The City Administrator or their designee introduces the agenda item and provides the City Council with a description of the item and the action requested of the Council.
 - 509.2 The City Administrator or any Councilmember may call upon City staff to describe an agenda item or to provide additional information.
 - 509.3 Discussion of the agenda item by the Council requires a motion and second to formally put the matter before the Council.
 - 509.4 Councilmembers may, at this point, ask questions of staff, present their views and engage in a dialogue with other members of the Council.
 - 509.5 After discussion concludes, the presiding officer shall call for a vote on the matter pending.

SECTION 600: MINUTE PREPARATION

- 601: The City Administrator or their designee is responsible for the preparation of the minutes of the Meeting. The meeting proceedings will be audio-recorded and when available video-tape-recorded and noted by Staff. The minutes of the meeting as approved by the City Council are the official record of the meeting. The tape recording is intended to supplement the minutes for the purpose of an "on the record review" in a judicial proceeding. The following requirement for "Minute" preparation shall be adhered to:

- 601.1 List the names of the City Council after their vote on each motion.
- 602: The official Minutes shall be prepared and presented to the City Council at the next regularly scheduled meeting as part of the agenda packet. The text of the minutes shall consist of official Council business conducted while the Council is in session. Any comments made at a meeting that are made prior to the start of or after adjournment of the meeting, or during any recess, shall not be made part of the minutes. The City Council shall review the minutes and the presiding officer shall call for any additions or corrections. If an addition or correction is presented, the change must be specific as to place, paragraph, and sentence, if applicable. The official minutes shall be corrected to reflect the change.
- 603: Approval of the minutes requires a motion, second and a majority vote of the members present at the meeting.
- 604: The City Administrator or their designee is responsible for the maintenance and filing of the Minutes.
- 604.1 Written minutes will be retained as a permanent record either in paper, on microfilm, or in a digital format available online through the City's Website.
- 604.2 All audio and video tape proceedings will be retained in accordance with the City's data retention schedule. Video and audio tapes may be viewed/heard at City Hall during normal business hours. Audio tapes will not be loaned out.

**SECTION 700:
ROLES AT MEETING**

- 701: All meetings of the City Council shall comply with the Minnesota Open Meeting law, which requires meetings (with few exceptions) of all municipal bodies to be open to the public. The City Council of Big Lake encourages citizen attendance. Public attendance at meetings of the Council helps to develop a more enlightened, interested and participatory citizenry.
- 702: Objections to recessing the regular meeting into Closed Session. Any individual desiring to object to the Council's adjournment into a closed session shall do so in the following manner. This process is included in the bylaws to give individuals or organizations standing without disruption of any regular meeting. Any comments made at a meeting that are ruled out of order by the presiding officer shall not appear in the minutes.
- 702.1 The objection shall be made in writing providing the basis or legal authority for the objection, together with the name, address and phone number of the objector.
- 702.2 The written objection must be tendered to the City Administrator within one business day of the alleged violation.
- 703: Any Councilmember may recognize a member of the public for the purpose of asking question(s) relating to the matter under consideration by the Council. Members of the City Council must use judgment and discretion when recognizing members of the public

to answer a question during the time they have the floor.

- 704: Members of the Council may also ask questions of Staff in order to clarify their understanding of the relevant information necessary to make an informed judgment. In preparation for Council meetings, Councilmembers may want to consider contacting the City Administrator, in sufficient time prior to the meeting, to advise the question they intend to ask in order for the City Administrator to attempt to bring the additional information to the Council meeting.
- 705: Members of the general public, interested parties or their authorized representatives may address the City Council by written communications in regard to matters under discussion. Written communications may be read aloud at the meeting at the discretion of the presiding officer, if so requested by the author or a member of the City Council. In any case, the written communication shall become part of the record. The communication(s) may be read by the presiding officer or his/her designee. If the communication is lengthy, the presiding officer may summarize the content and advise that the full text of the communication will be part of the record and available to the public for review.
- 706: The presiding officer has the same voting powers as do the Councilmembers. The presiding officer may vote whenever a vote is taken and he/she does not have any extra voting powers if the vote results in a tie, except as may be authorized by state statute.
- 707: The Mayor shall be the presiding officer at all meetings. If the Mayor is absent, the Acting Mayor shall preside at the meeting. If in the event the Mayor and Acting Mayor are absent, the City Administrator shall call the meeting to order and preside until such time the City Council elects among itself a member to preside at the meeting. The presiding officer, at all times, shall be allowed to vote in the same manner as all other Councilmembers.
- 708: The presiding officer has two unique powers: (1) interpreting and applying the rules of procedure; and (2) recognizing speakers from the audience.
- 709: The presiding officer is responsible for maintaining order at the meetings.
- 710: The presiding officer shall recognize all speakers from the audience, except when a member of the Council has the floor and they expressly recognize a member of the audience to answer questions relating to the issue under consideration.
- 711: The presiding officer has the responsibility to facilitate discussion by the City Council. This may occur in a variety of ways, including:
- 711.1 Interpret and apply rules of procedure.
 - 711.2 Decide whether motions are properly made.
 - 711.3 Decide whether motions are in order.
 - 711.4 Decide whether questions of special privilege ought to be granted.
 - 711.5 Decide when to recognize speakers.
 - 711.6 Call for motions or recommend motions.
 - 711.7 Expel disorderly persons from the meeting.
 - 711.8 Enforce speaking procedures.

- 712: One member of the Council shall serve as Acting Mayor elected by the Council at the Annual Meeting. The Acting Mayor shall preside at all meetings when the Mayor is absent from the meeting assuming responsibilities as set forth above. In the absence from the City or disability of the Mayor, or where the Mayor is known to be unreachable and there is an urgency to executing the document, the Acting Mayor may execute documents on behalf of the City.
- 713: All members of the City Council may make and second motions, participate in discussions and vote whenever a vote is taken.
- 714: As individuals, Councilmembers have no administrative authority. When acting as a Council, however, the legislative body has authority over the appointed City Administrator.
- 715: The City Administrator shall attend all meetings of the City Council with the right to take part in the discussions, but not to vote. In the absence of the City Administrator, a designated department head shall serve as the City Administrator's representative at the meeting.
- 716: Department Heads may attend all meetings. Department Heads shall attend the meetings when directed by the City Administrator.
- 717: A memorandum report or brief explanation of each agenda item shall be included in the materials that accompany the agenda. The information provided by Staff should serve to inform the City Council on the subject matter under discussion. The information should explain in detail the Staff comments or work, or state that Staff will present the necessary details and comments at the meeting. If an agenda item requires more than a majority vote, the agenda report shall specify the votes needed to pass the matter under consideration.

SECTION 800: MOTIONS, RESOLUTIONS, ORDINANCES

- 801: The City Council may take formal action in any of three methods - motions, resolutions or ordinances. All motions in any form require a second unless otherwise stated below. All votes of the City Council in any of the three methods require a majority vote for approval unless otherwise specified below or prescribed by statute.
- 802: **MOTIONS:** A motion is a matter of parliamentary procedure. Motions are a formal method of bringing business before the Council and for stating propositions on which a decision will have to be made. It also can be used in the form of a proposal so that the City Council can act by resolution or by ordinance. Motions may be used to introduce resolutions and ordinances, to amend them, and to take any other actions concerning them. Motions may also be used for action on simple administrative acts, such as directing the City Administrator.
- 803: Every motion shall be stated in full and be reasonably understood, to the extent practical, before it is submitted to a vote by the presiding officer.

804: **RESOLUTIONS:** Resolutions are normally used to reflect the City Council position on items of business that do not require or warrant an ordinance. Resolutions may be enacted on a motion, which has been duly seconded, and received majority vote. The City Administrator or their designee will maintain a record of all resolutions and will be responsible for the proper numbering and execution of each resolution adopted by the City Council.

804.1 Notwithstanding other instances where resolutions may be needed, resolutions are required to authorize the execution of any contract exceeding \$25,000 or as otherwise specified in the City's Purchasing Policy.

805: **ORDINANCES:** An ordinance is a law governing or regulating some activity that is properly within the power of the Council to regulate. Ordinances shall be used when the City Council action regulates or governs people or property. All police regulations for public health, morals, economic well-being, welfare and safety must be passed in ordinance form. Ordinances may also be used to provide permanent rules for the organization and operation of the City Council. Ordinances may be enacted upon a motion and a second and must receive at least a simple majority vote, unless a larger vote is required by State law or these Bylaws.

806: An ordinance shall become effective upon passage and publication unless otherwise specified in the ordinance. Consistent with State Statute the Council may authorize publication of a summary of the ordinance rather than its full text. The Council, by resolution, must approve and authorize the proposed summary. Proof of publication shall be attached to and filed with every ordinance.

807: The ordinance format shall include: title; number; enacting clause; the contents or body; the penalty; the closing; the attestation, publication date and the effective date. The City Administrator or their designee will maintain a record of all ordinances and will be responsible for the Big Lake City Code and codification requirements. The Council may authorize the City Administrator to contract for codification services.

808: These Bylaws shall govern the procedures of the Big Lake City Council immediately upon adoption. If an issue is raised which is not covered in the Bylaws, the procedures to respond to the issue shall be governed by Robert's Rules of Order Revised. Failure to comply with these Bylaws or Robert's Rules of Order shall not invalidate Council action unless at the time the action is taken or promptly thereafter a member of the Council raises a parliamentary objection and advises the Council of the particular rule which was not observed.

SECTION 900: PUBLIC HEARING FORMAT

901: Public Hearings shall be conducted in the following manner:

901.1 The presiding officer announces the public hearing.

901.2 From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the City Council. However in no

circumstances can a hearing be opened prior to the predetermined and published time.

- 901.3 Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- 901.4 The presiding officer asks City Council members if they have questions of the staff or consultant, if any.
- 901.5 The presiding officer announces that the public hearing is open.
- 901.6 The presiding officer asks for citizen input, comments and questions.
- 901.7 After all persons have been heard, the presiding officer requests a motion to
 1. close the public hearing and the Council votes on the motion. Once the vote is taken, the hearing is closed for the record, or
 2. continue a public hearing. If the City Council votes to continue the hearing, the presiding officer, in consultation with the City Administrator and City Council, shall select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.
- 901.8 The City Council addresses the subject matter through deliberation, questions to citizens and Staff, and reactions and statement of position on the subject.
- 901.9 If the public hearing is closed, the City Council may take action on the subject matter.

SECTION 1000: COMMITTEE STRUCTURE

1001: TYPES OF COMMITTEES

- **Special City Council Subcommittee.** The Council may from time to time establish special Council subcommittees by designating two members to a specific issue. Special committees appointed by the Council are generally established to deal with a single transaction or project. The membership of the committee does not extend beyond the City Council members and staff liaisons. The work of a special subcommittee should be limited to special policy problems. The committee shall make recommendations to the Council, but may not make decisions on behalf of the Council. The Council's final decision, not the committee's recommendation, binds the City. A special City Council subcommittee will be required to provide status reports to the Council as requested.
- **Research Work Groups.** The City Council may establish from time to time temporary research work groups to study, research, analyze and make recommendations to the Council on a particular issue or subject matter. The work groups shall consist of as many members and perform such duties as the City Council may require. Generally, members of the work groups include up to two Council members, City staff, and members of the public. Work groups may only exercise those duties assigned to them by the City Council (conduct investigations, make reports on facts, interview individuals, gather information and/or public input). The work groups may not make decisions delegated to the City Council by statutory

authority. Work groups will be required to make periodic reports to the City Council on their progress. Work groups shall be established by the City Council by motion, resolution or ordinance.

1001.3 Advisory Authorities. The City Council may also establish advisory authorities to monitor significant issues in the community of on-going concern. Advisory Authorities shall adopt bylaws to govern the conduct of the Authority. Advisory Authorities are composed of citizen volunteers appointed by the City Council, or a combination of citizen volunteers and City Council members. The number of members and terms of appointment are set by the individual Advisory Authorities through their bylaws. Bylaws shall be forwarded to the City Council for its approval or amendment at its first meeting of each year. After the Council adopts an Advisory Authorities bylaws, the City Council on its own initiative may adopt further changes to an Advisory Authorities bylaws at any time; however, such amendments shall not take effect until sixty (60) days after their passage. At any time during the year, the Advisory Board can propose amendments to its bylaws. The Council shall act on the proposed amendment.

Advisory Authorities shall meet annually with the City Council in a workshop to discuss goals and objectives, mutual concerns or questions and other business as appropriate. Meetings between the Council and advisory authorities may occur on a more frequent basis if needed. Advisory authorities must also report at least annually to the City Council. Advisory authorities, include for example:

- Planning Commission, The Planning Commission has been established by statutory authority and the structural composition and Commission rules are set forth in the City Code.
- Park Advisory Board
- Economic Development Authority

1002: CITY COUNCIL LIAISONS TO CERTAIN ADVISORY AUTHORITIES. Annually, the City Council shall appoint a City Councilmember(s) to be liaisons for Committees.

1003: COMMITTEE VACANCIES: Citizen Vacancies in the City Council's Committees shall be filled in the following manner:

1003.1 Applications are solicited. A Notice of the vacancy is made public and individuals may be encouraged to consider the position.

1003.2 The City Administrator or her/his designee, the City Council member who has been appointed as the liaison, and the committee chair (unless the appointment is the committee chair appointment or re-appointment, or in the case where the work group is newly established and no chair has been determined) shall interview all candidates and make a recommendation to the full City Council. No person will sit on any advisory authority, work group or committee charged with the selection of the successor for that person.

1003.3 The recommendation of the interview panel shall be presented to the City Council and the Council may accept or reject the recommendation. If the recommendation is rejected, the City Council shall appoint another individual or decide to reopen the vacancy to the public for new candidates.

1004: CITY COUNCIL ROLE ON OTHER COMMITTEES OR AUTHORITIES There are certain authorities, committees and commissions where a Council member is

appointed and serves as a representative of the Big Lake City Council. A Councilmember appointed to serve on a committee; commission or authority shall provide the City Council with periodic reports on the activities of the committee, commission or authority. The Councilmember shall exercise judgment as to whether more frequent reporting is necessary.

**SECTION 1100:
SUSPENSION OF RULES**

1101: Such other rules that the City Council deems appropriate may be enacted. All matters of procedure not specified herein shall be governed by the City Code, State Statutes, or Federal Laws, whichever is applicable to the procedure in question. The rules herein may be suspended upon a motion, second and debate, and a 4/5 (80%) vote of the members for a specific meeting only.

**SECTION 1200:
TRAVEL & REIMBURSEMENT FOR EXPENSES**

The City of Big Lake recognizes the need for and value in attending workshops, conferences, public and private events, and meetings in the conduct of City business. The purpose of this section is to set forth the guidelines for participating in such events, as well as reimbursement of expenses incurred as a result of attendance.

1201: General Conditions:

1201.1 All expenses incurred by a Council member in connection with fulfilling their duties to the City shall be reimbursable. Reimbursement of such expenses shall be in accordance with these City Council Bylaws, City Code, and state statute.

1201.2 In evaluating travel requests for approval, the purpose for attendance must meet one of the following criteria:

- The elected official will be receiving training on issues relevant to the City or to his/her role as the Mayor or as a Council member.
- The elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
- The elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by, the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Council.
- The elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.

1201.3 Council members attending events at City expense are expected to provide the Council with a summary of the meeting.

1201.4 No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

1201.5 The City must have sufficient funding available in the budget to pay the traveling expenses for the event.

1201.6 The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise, all payments will be made as reimbursements to the elected official.

1201.7 Reimbursement of expenses is intended to refund the actual costs incurred and must be in accordance with the provisions of section 1202 herein.

1202: **REIMBURSEMENT REQUIREMENTS:** The City will reimburse for transportation, lodging, meals, registrations and incidental costs if attendance at the event, conference, workshop, or meeting is authorized in accordance with the above General Guidelines. A receipt must be submitted for reimbursement of all costs.

1202.1 **Meals.** Daily or event specific reimbursable meal costs are limited to \$15.00 per meal. In the case of out-of-state or overnight travel, reimbursable meal costs shall not exceed \$60.00 per day. Alcoholic beverages and meal expenses included in the cost of registration are not reimbursable expenses.

1202.2 **Lodging.** Reimbursable lodging costs are limited to those that are reasonable and necessary, and as pre-approved by the City Council when authorizing the travel.

1202.3 **Mileage.** Mileage will be reimbursed at the IRS rate. If two or more Council members are traveling together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile, if necessary, to conduct City business. City vehicles should be used for City Council business in lieu of rental when available.

1202.4 **Tips.** Tips paid as part of meal service shall not exceed 20% of the total bill and are reimbursable in addition to the cost limits set for reimbursable meals above. Tips and gratuities for services such as taxis, are only reimbursable if a receipt is provided, and in no case should exceed 20% of the cost of the service. Tips for non-documented services, such as baggage handling or housekeeping, are reimbursable in an amount not to exceed \$10 per day.

1202.5 **Airfare.** Airfare shall be reimbursed at the coach rate. The elected official shall use the most cost-effective mode of travel taking into consideration reasonable time constraints.

1202.6 **Non-Reimbursable Expenses.** The City will not reimburse for personal telephone calls, rental of luxury vehicles, recreational expenses such as movies, golf, shows, or concerts, or the costs associated with the attendance of a family member or person unauthorized to attend the event on the City's behalf.

1203: **EXCEPTIONS TO POLICY:** Any exceptions to this policy must be approved by the City Council at an open meeting.

1204: **AMENDMENTS TO POLICY:** This policy will be reviewed annually. Any amendment to this policy will be consistent with the procedure for amending the City Council Bylaws.

SECTION 1300: CODE OF ETHICS AND CONDUCT

1301: **DECLARATION OF POLICY:** The proper operation of democratic government requires that the public has confidence in the integrity of its government. In recognition of this goal, there is hereby established a Code of Ethics and Conduct for public officials. The purpose of this Code is to establish ethical standards of conduct for all such officials by

setting forth those acts or actions that are incompatible with the best interests of the City, and by directing disclosure by such officials of private, financial or other interest in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City.

- 1302: **ETHICS IN GOVERNMENT:** Minnesota Statutes, Chapter 10A, Ethics in Government, is incorporated herein by reference. This policy shall be construed and interpreted in consultation with the City Attorney according to Minnesota Statutes and case law.
- 1303: **GIFTS AND FAVORS:** No public official shall accept any valuable gift, favor or thing of value, regardless of amount whether in the form of money, service, loan, thing or promise from any person which to the official's knowledge is concerned, directly or indirectly in any manner whatsoever in business dealings with the City.
- 1304: **USE OF EQUIPMENT AND FACILITIES:** No public official shall request or permit the unauthorized use of City-owned vehicles, equipment, materials, property, labor or services for personal convenience or profit.
- 1305: **CONFLICT OF INTEREST:** Refer to Section 500.

**SECTION 1400:
CITY COUNCIL RECOGNITION**

- 1401: **COMMENDATION AND CENSURE:** To the extent allowed by law, the City Council desires to encourage appropriate behavior and discourage inappropriate behavior among its members.
- 1401.1 **Commendation:** A member may receive public commendation for the exercise of positive leadership, community vision or other actions considered meritorious by the City Council.
- 1401.2 **Censure:** A member may receive a public admonishment for failure to conform with any provisions of these bylaws, state statute, violation of confidentiality or attorney-client privilege, or other acts considered to merit reprimand by the City Council. The City Council, as a body, may by motion and a 4/5ths vote, commend or censure one of its own. If the act involves two members of the Council, a majority vote is required.

**SECTION 1500:
CITY COUNCIL/STAFF RELATIONS**

1501 **PURPOSE**

The purpose of this policy is to set forth the basic regulations regarding the various contacts and working relationships of the members of the City Council and those employees appointed by or under the direction of the City Administrator.

1502 **GENERAL**

The City of Big Lake operates under the Council-Administrator form of government. Under this form of local government, citizens elect the City Council, which is responsible for making basic policy decisions for the community. The Council employs a City Administrator who provides administrative leadership for carrying out the policy formulated by the City Council.

The success enjoyed by the Council-Administrator form of local government is in large measure a result of a clear recognition on the part of all officials concerned that the legislative and administrative branches of government must operate within their respective spheres of responsibility to preserve the orderly process of governmental activity.

1503 **COMMUNICATIONS WITH COUNCIL MEMBERS**

The City Administrator is responsible for implementing the legislative and policy decisions of the City Council. The City Council issues all orders and directives through the City Administrator because he/she is responsible for the day-to-day operation of the City government.

On occasion a Council member, in his or her desire to serve the people of Big Lake whose interest he or she is elected to voice, may handle a problem or inquiry less formally, perhaps even making a suggestion directly to a division or department director. In such an instance, if the matter can be handled in conformance with existing Council and administrative policy, it should be resolved as the priority of the problem dictates. However, if the requested or suggested action raises any policy or procedural questions, or if the proposed action is inconsistent with any previously adopted Council policies or actions, the staff member should bring the matter to the attention of the City Administrator.

Requests from a Council member for information or to respond to maintenance problems, ordinance enforcement difficulties, etc., shall be courteously responded to as soon as possible

The members of the City Council, the City Administrator and all City employees have a responsibility to maintain the sometimes-delicate balance of relationships essential to the proper functioning of the Council-Administrator form of government. The role of staff in maintaining this proper relationship is as important as the role of elected officials. Those in administrative positions have a responsibility to make recommendations on policy decisions, but such recommendations should be made only through their immediate superiors. Suggestions and recommendations from those in administrative positions should always be made through the proper channels.

On items before the City Council of a complex or controversial nature, the staff should in all instances attempt to formulate a group consensus and ultimately a staff position or recommendation. Once this position or recommendation is established, individual staff members should support the position as is necessary to present a unified approach to the situation.

All communications with Council are reported to the City Administrator. If staff needs to contact Council or a Councilmember, the City Administrator is also to be advised. Not to keep the two groups from communicating, but so the City Administrator is advised should anyone on Council or the media contact him to discuss the topic of communication.

Department heads are required to attend Council meetings when they have proposed items which are on the council's agenda. If a department head is unable to attend a

meeting when required, he should request the city administrator's permission to send a representative. Other city employees are to participate in discussion of official city business at council meetings only when and if questions are directed to them. When attending these "required" meetings, the department head (or representative) should be fully informed of all facts and be prepared to discuss in detail the subject under consideration.

City employees are not to bring any matters before the Council that are not on the agenda. They should not initiate any discussion before the council unless a councilmember or the city administrator so requests. Any city employee may appear before the council as a taxpayer and a resident of Big Lake at Open Forum. All employment issues must follow the city's chain of command and applicable policies. The City Council or their Commissions/Committees will not review or discuss anonymous correspondence.

1504 LETTERS WRITTEN ON BEHALF OF COUNCIL MEMBERS

The City Administrator's office routinely receives letters addressed to the Mayor or to a particular Council member frequently, the writer is requesting from the Mayor or Council member administrative or technical information that can be provided by a City staff member. Such letters will be reviewed by the City Administrator and forwarded to the appropriate department director for preparation of a response.

Upon receipt of such a letter from the City Administrator's office, the department director should research any necessary information and prepare a responding letter for the signature of the Mayor or Council member. The letter will then be sent back to the City Administrator's office for review. The City Administrator's office will submit the letter of the citizen and the prepared letter of response to the Mayor or particular Council member for their review and signature. The City Administrator's office will then make copies for filing before sending the letter to the citizen.

1505 ELECTED OFFICIALS IN-COMING MAIL/CORRESPONDANCE PROCEDURE

Upon receipt at City Hall of incoming mail and/or correspondence addressed to an elected official, the item will be opened and date stamped by designated city staff. Mail will then be given to the City Administrator's office for review of content to determine if the item should be placed on an upcoming Council Agenda, or requires immediate attention. To ensure compliance with the Data Practices Act, the City Administrator's office will then make copies for filing before distributing the item to the elected official's city hall mailbox.

APPENDIX A: TYPES OF MOTIONS AND PROCEDURES

The following motions will be available for use by the members:

1. **Main Motion:** An act to bring substantive proposals before the City Council for consideration and action. After the motion is stated and seconded, the subject of the motion may be deliberated and voted upon. Deliberation may take place by the Mayor, Council, Staff or the general public as long as the procedures for citizen input are followed pursuant to Section 7.B of these Bylaws.
2. **Amend Main Motion:** A main motion that is being deliberated and has not been voted upon may be changed or modified by a motion, a second, deliberation and a subsequent vote. The only motion that may be amended is the main motion.
3. **Postpone Definitely Motion:** A motion to put off consideration or discontinue discussion of any motion on the floor and that which established a definite time for the motion to be reconsidered. A motion to postpone definitely requires a second, deliberation and a subsequent vote.
4. **Vote Immediately Motion:** A motion to prevent or stop deliberation on a pending motion and to bring the pending motion to an immediate vote. A motion to the "Previous Question" requires a second and a two-thirds majority vote to pass, however, no discussion is allowed on the motion. Two votes are required when a Previous Question motion is seconded. The first vote is to close the debate (requires two thirds majority vote) and, if that passes, the second vote is then on the original motion being deliberated prior to the Previous Question being called. If the close the debate motion fails, then deliberation on the original motion continues.
5. **Substitute Motion:** This is a motion that replaces the motion being considered with another motion on the same subject. A motion to substitute may be made for either a main motion or an amendment to a main motion. A substitute motion requires a motion and second. The Council then votes on the substitute motion and if that passes, the original motion dies. If the substitute motion fails, the deliberation on the original motion continues.
6. **Withdraw a Motion:** Any member of the City Council who has made an allowable motion has the authority to remove the motion from consideration by the total body. If a member desires to remove a motion that has been seconded, but not yet voted upon, the member who has seconded the motion must consent to the request of the member to remove the motion from consideration. If the motion has not been seconded, the member may remove the motion from consideration by his/her own request.
7. **Division of Motion:** A motion that is composed of two or more independent sections or ideas may be deliberated, considered and voted on separately. Each section or idea that is to be voted on separately must be acted upon through a separate motion, second, discussion and subsequent vote. Any member of the City Council may request a motion to be divided into two or more individual motions.
8. **Eligibility of Motion:** The presiding officer may rule on the eligibility of a motion that has been requested to be divided into two or more individual motions.

9. **Privileged Motion:** These motions do not relate to pending business, but have to do with special matters of immediate and overriding importance, which without any debate, shall be allowed to interrupt the consideration of anything else. These motions can be made at any time, even if another motion is being considered at the time, and they must be settled or voted upon immediately. Motions to adjourn the meeting or take a recess cannot interrupt a speaker, while a motion on a question of privilege or point of vote can interrupt a speaker.

Privileged motions include:

- **Point of Order:** Whenever a member thinks that the rules of the City Council are being violated, he/she can make a Point of Order. Whenever a question of the order is called, the presiding officer shall make a ruling on whether the City Council rules have been violated. If a Point of Order is to be raised, it must be raised promptly at the time the violation occurs. This procedure does not require a second, is not debatable and can be used to interrupt a speaker.
- **Appeal Decision of Chair:** The presiding officer will be called on to rule on questions of City Council procedure as set forth in these Bylaws. The decisions of the presiding officer may be appealed by the City Council. A statement of appeal constitutes a motion that, in turn, requires a second and the opportunity for discussion.
- **Motion to Reconsider:** A motion to reconsider any action taken by the Council may be made at the meeting at which such action was taken or the regular meeting following. Such motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. A motion for reconsideration requires only a majority vote regardless of the vote necessary to adopt the motion reconsidered.

10. Notwithstanding Robert's Rules of Order, a motion to "lay on the table" shall be debatable.

Situations where statutes require extraordinary votes.

Several statutes require more than a simple majority to take certain kinds of actions. The following are some examples:

- Adoption or amendment of zoning ordinances that change existing zoning from residential to commercial or industrial. [Minn. Stat. § 462.357, subd. 2]
- Adoption or amendment of comprehensive plans. [Minn. Stat. § 462.355, subd. 3.]
- Abolishment of a planning agency. [Minn. Stat. § 462.354, subd. 1.]
- Some capital improvements and acquisition or disposal of real property if the city has a comprehensive plan. [Minn. Stat. § 462.356, subd. 2.]
- ***Contracts that are allowed even though one of the officers has a personal financial interest.***
Generally, a councilmember may not have a financial interest in a city contract. However, the statutes allow certain exceptions to this rule. If such a contract is permitted under an exception, the statute requires that it be approved by unanimous vote of the council. In some cases, the interested officer must abstain from voting, but it is probably advisable for him or her to refrain from participating in the discussion and voting, regardless of whether the statute specifically requires it. [Minn. Stat. § 471.88.]
- Some local improvements that will be paid for with special assessments. [Minn. Stat. § 429.031, subds. 1, 2.]
- Some types of charter amendments. [Minn. Stat. § 410.12, subds. 6, 7]
- Summary publication of ordinances in statutory cities. [Minn. Stat. § 412.191, subd. 4.]
- Abolishing or changing the size of a statutory city park board. [Minn. Stat. § 412.501.]
- Some street vacations. [Minn. Stat. § 412.851.]
- Abolishment of a hospital board. [Minn. Stat. § 412.221, subd. 16.]

APPENDIX B: ELECTED OFFICIALS' DUTIES & RESPONSIBILITIES

The following criteria is identified by the League of MN Cities to help guide elected officials in their duties/responsibilities/roles:

1. **Duties and Responsibilities:** It is the duty of the Mayor, City Council Members, and the City Administrator to ensure the City fulfills its duties under the law and lawfully exercises its powers.

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 lawsuits, 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.

2. **Role of the Individual Council Member:** Council Members' statutory duties are to be preformed, almost without exception, by the Council as a whole. For example, the Council, not individual members, must supervise administrative officers, formulate policies, and exercise City powers.

Council Members should devote their official time to problems of basic policy and act as liaisons between the City and the general public. Council Members 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 Council Member is participation at Council Meetings. In Statutory cities, each Council Member, 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, any two Council Members of a five-member Council may call a Special Meeting. Care should be exercised to give proper notice.

3. **Role of the Mayor:** As the head of the City, the Mayor officially speaks for both the government 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 Council Members in addition to those of Mayor.

In a home rule Charter City, the Charter spells out duties and responsibilities of the Mayor. Mayors of Statutory cities have the following roles:

- a. Official Head of the City of Big Lake
 - i. The Mayor usually serves as the City's representative before the Minnesota Legislature, federal agencies, and other local governments.
 - ii. The Mayor usually greets important visitors, gives formal and informal talks, and takes part in public events.
 - iii. The Mayor often exerts leadership in City affairs. Because the mayors of statutory cities lack significant authority, this responsibility frequently calls for tact rather than overt acts of direction or supervisory control.

- iv. The Mayor often performs ceremonial duties on behalf of the community and should be prepared to explain or defend City problems and programs.
 - b. Executing official documents authorized by the full Council.
 - i. Resolutions.
 - ii. Ordinances.
 - iii. Claims for Payment.
 - iv. Contracts
 - c. Power to make some appointments.
 - d. Presiding Officer at Council Meetings.
 - e. Weed Inspector.
 - i. The City may also appoint assistant weed inspectors, who have the same power, authority, and responsibility of the Mayor in capacity of weed inspector duties.
 - f. Election duties.
 - g. Perform or delegate fire investigation duties as required by statute.
 - h. Declaring local emergencies.
4. **Role of the Council:** As individuals, Council Members have no administrative authority. They cannot give orders or otherwise supervise City employees unless specifically directed to do so by the full Council. The Council, however, has complete authority over all administrative affairs in the City. The Council, not individual members, must supervise administrative officers, formulate policies, and exercise City powers. The City Council has ultimate authority of the hiring and termination of all City employees.

The major areas of Council authority and responsibility are:

- a. Act as liaisons between the City and the public.
- b. Judging the qualification and election of its own members.
- c. Setting and interpreting rules governing its own proceedings.
- d. Exercising all the powers of cities that the law does not delegate to others.
- e. Legislating for the City.
- f. Directing the enforcement of City Ordinances.
- g. Appointing Administrative Personnel.
- h. Transacting City business.
- i. Managing the City's financial operations.
- j. Appointing members of the Boards.
- k. Conducting the City's Intergovernmental Affairs.
- l. Protecting the welfare of the City and its inhabitants.
- m. Providing community leadership.