

1.1 Senator moves to amend S.F. No. 1831 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 STATE GOVERNMENT APPROPRIATIONS

1.5 Section 1. STATE GOVERNMENT APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.7 and for the purposes specified in this article. The appropriations are from the general fund,
1.8 or another named fund, and are available for the fiscal years indicated for each purpose.
1.9 The figures "2022" and "2023" used in this article mean that the appropriations listed under
1.10 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
1.11 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
1.12 is fiscal years 2022 and 2023.

1.13	<u>APPROPRIATIONS</u>		
1.14	<u>Available for the Year</u>		
1.15	<u>Ending June 30</u>		
1.16	<u>2022</u>		<u>2023</u>

1.17 Sec. 2. LEGISLATURE

1.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>98,130,000</u>	<u>\$</u>	<u>97,739,000</u>
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1.19 The amounts that may be spent for each
1.20 purpose are specified in the following
1.21 subdivisions.

1.22	<u>Subd. 2. Senate</u>	<u>37,430,000</u>	<u>37,545,000</u>
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1.23	<u>Subd. 3. House of Representatives</u>	<u>38,857,000</u>	<u>38,857,000</u>
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1.24	<u>Subd. 4. Legislative Coordinating Commission</u>	<u>21,843,000</u>	<u>21,337,000</u>
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1.25 The base for this appropriation in fiscal year
1.26 2024 and each year thereafter is \$21,562,000.

1.27 \$190,000 the first year and \$170,000 the
1.28 second year are for the Legislative
1.29 Commission on Cybersecurity.

1.30 \$50,000 each year is to comply with
1.31 accessibility standards pursuant to Minnesota
1.32 Statutes, section 3.199. If the appropriation

2.1 for either year is insufficient, the appropriation
2.2 for the other year is available for it. The base
2.3 for this appropriation in fiscal year 2024 and
2.4 each year thereafter is \$250,000.

2.5 From its funds, \$10,000 each year is for
2.6 purposes of the legislators' forum, through
2.7 which Minnesota legislators meet with
2.8 counterparts from South Dakota, North
2.9 Dakota, and Manitoba to discuss issues of
2.10 mutual concern.

2.11 **Legislative Auditor.** \$8,096,000 the first year
2.12 and \$7,596,000 the second year are for the
2.13 Office of the Legislative Auditor.

2.14 Of the amount in fiscal year 2021, \$500,000
2.15 is for the audit required under article 4, section
2.16 65. This is a onetime appropriation.

2.17 Within the resources that become available to
2.18 the legislative auditor from the removal of
2.19 responsibility for conducting the annual single
2.20 audit of federal funds, the legislative auditor
2.21 must increase the number of special review
2.22 staff by at least two full-time equivalents.

2.23 **Revisor of Statutes.** \$7,207,000 in each year
2.24 is for the Office of the Revisor of Statutes.

2.25 **Legislative Reference Library.** \$1,775,000
2.26 in each year is for the Legislative Reference
2.27 Library.

2.28 **Legislative Budget Office.** \$1,483,000 in each
2.29 year is for the Legislative Budget Office.

2.30 **Sec. 3. GOVERNOR AND LIEUTENANT**
2.31 **GOVERNOR**

\$ **3,622,000** \$ **3,622,000**

2.32 (a) This appropriation is to fund the Office of
2.33 the Governor and Lieutenant Governor.

(b) \$19,000 the first year and \$19,000 the second year are for necessary expenses in the normal performance of the governor's and lieutenant governor's duties for which no other reimbursement is provided.

(c) By September 1 of each year, the commissioner of management and budget shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state government finance any personnel costs incurred by the Offices of the Governor and Lieutenant Governor that were supported by appropriations to other agencies during the previous fiscal year. The Office of the Governor shall inform the chairs and ranking minority members of the committees before initiating any interagency agreements.

Sec. 4. <u>STATE AUDITOR</u>	<u>\$</u>	<u>10,665,000</u>	<u>\$</u>	<u>10,602,000</u>
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Sec. 5. <u>ATTORNEY GENERAL</u>	<u>\$</u>	<u>26,629,000</u>	<u>\$</u>	<u>26,429,000</u>
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<u>Appropriations by Fund</u>		
	<u>2022</u>	<u>2023</u>
<u>General</u>	<u>23,713,000</u>	<u>23,513,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>2,521,000</u>	<u>2,521,000</u>
<u>Environmental</u>	<u>145,000</u>	<u>145,000</u>
<u>Remediation</u>	<u>250,000</u>	<u>250,000</u>

Sec. 6. <u>SECRETARY OF STATE</u>	<u>\$</u>	<u>17,218,000</u>	<u>\$</u>	<u>17,152,000</u>
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The base for this appropriation in fiscal year 2024 and each year thereafter is \$12,902,000. \$9,750,000 each year is for transfer to the voting equipment grant account under Minnesota Statutes, section 206.95. The base for this appropriation in fiscal year 2024 and each year thereafter is \$5,500,000.

4.1	Sec. 7. <u>CAMPAIGN FINANCE AND PUBLIC</u>			
4.2	<u>DISCLOSURE BOARD</u>	\$	<u>1,123,000</u>	\$ <u>1,123,000</u>
4.3	Sec. 8. <u>STATE BOARD OF INVESTMENT</u>	\$	<u>139,000</u>	\$ <u>139,000</u>
4.4	Sec. 9. <u>ADMINISTRATIVE HEARINGS</u>	\$	<u>8,231,000</u>	\$ <u>8,231,000</u>
4.5	<u>Appropriations by Fund</u>			
4.6		<u>2022</u>	<u>2023</u>	
4.7	<u>General</u>	<u>400,000</u>	<u>400,000</u>	
4.8	<u>Workers'</u>			
4.9	<u>Compensation</u>	<u>7,831,000</u>	<u>7,831,000</u>	
4.10	<u>\$263,000 each year is for municipal boundary</u>			
4.11	<u>adjustments.</u>			
4.12	Sec. 10. <u>OFFICE OF MN.IT SERVICES</u>	\$	<u>7,300,000</u>	\$ <u>7,300,000</u>
4.13	<u>(a) \$5,000,000 each year is for enhancements</u>			
4.14	<u>to cybersecurity across state government.</u>			
4.15	<u>Of this amount, \$2,100,000 in fiscal year 2022</u>			
4.16	<u>and \$2,050,000 in fiscal year 2023 are to</u>			
4.17	<u>implement recommendations from the</u>			
4.18	<u>Governor's Blue Ribbon Council on</u>			
4.19	<u>Information Technology, established by</u>			
4.20	<u>Executive Order 19-02 and re-established by</u>			
4.21	<u>Executive Order 20-77. The base for this</u>			
4.22	<u>appropriation is \$1,400,000 in fiscal years</u>			
4.23	<u>2024 and 2025.</u>			
4.24	<u>(b) The commissioner of management and</u>			
4.25	<u>budget is authorized to provide cash flow</u>			
4.26	<u>assistance of up to \$50,000,000 from the</u>			
4.27	<u>special revenue fund or other statutory general</u>			
4.28	<u>funds as defined in Minnesota Statutes, section</u>			
4.29	<u>16A.671, subdivision 3, paragraph (a), to the</u>			
4.30	<u>Office of MN.IT Services for the purpose of</u>			
4.31	<u>managing revenue and expenditure</u>			
4.32	<u>differences. These funds shall be repaid with</u>			
4.33	<u>interest by the end of the fiscal year 2023</u>			
4.34	<u>closing period.</u>			

5.1 (c) During the biennium ending June 30, 2023,
5.2 MN.IT Services must not charge fees to a
5.3 public noncommercial educational television
5.4 broadcast station eligible for funding under
5.5 Minnesota Statutes, chapter 129D, for access
5.6 to the state broadcast infrastructure. If the
5.7 access fees not charged to public
5.8 noncommercial educational television
5.9 broadcast stations total more than \$400,000
5.10 for the biennium, the office may charge for
5.11 access fees in excess of these amounts.

5.12 Sec. 11. ADMINISTRATION

5.13	<u>Subdivision 1. Total Appropriation</u>	\$	<u>25,709,000</u>	\$	<u>25,535,000</u>
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5.14 The base for this appropriation in fiscal year
5.15 2024 and each year thereafter is \$25,525,000.

5.16 The amounts that may be spent for each
5.17 purpose are specified in the following
5.18 subdivisions.

5.19	Subd. 2. Government and Citizen Services	10,251,000	10,077,000
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5.20 \$174,000 the first year is for the repair and
5.21 reinstallation of the statue of Christopher
5.22 Columbus and its pedestal required under
5.23 article 2, section 81. This is a onetime
5.24 appropriation and is available until June 30,
5.25 2023.

5.26 Council on Developmental Disabilities.

5.27 \$74,000 each year is for the Council on
5.28 Developmental Disabilities.

5.29 State Agency Accommodation

5.30 **Reimbursement.** \$200,000 the first year and
5.31 \$200,000 the second year may be transferred
5.32 to the accommodation account established in
5.33 Minnesota Statutes, section 16B.4805.

6.1 **State Historic Preservation Office.**

6.2 \$10,000 each year is for the State Historic
 6.3 Preservation Office to install flag poles and
 6.4 staffs and to purchase United States and
 6.5 Minnesota state flags to satisfy the
 6.6 requirements in Minnesota Statutes, section
 6.7 138.6675. This is a onetime appropriation.

6.8 **Subd. 3. Strategic Management Services** 2,124,000 2,124,000

6.9 **Subd. 4. Fiscal Agent** 13,334,000 13,334,000

6.10 The appropriations under this section are to
 6.11 the commissioner of administration for the
 6.12 purposes specified.

6.13 **In-Lieu of Rent.** \$10,515,000 in each year is
 6.14 for space costs of the legislature and veterans
 6.15 organizations, ceremonial space, and
 6.16 statutorily free space.

6.17 **Public Television.** (a) \$1,550,000 each year
 6.18 is for matching grants for public television.

6.19 (b) \$250,000 each year is for public television
 6.20 equipment grants under Minnesota Statutes,
 6.21 section 129D.13.

6.22 (c) The commissioner of administration must
 6.23 consider the recommendations of the
 6.24 Minnesota Public Television Association
 6.25 before allocating the amounts appropriated in
 6.26 paragraphs (a) and (b) for equipment or
 6.27 matching grants.

6.28 **Public Radio.** (a) \$392,000 each year is for
 6.29 community service grants to public
 6.30 educational radio stations. This appropriation
 6.31 may be used to disseminate emergency
 6.32 information in foreign languages.

7.1 (b) \$117,000 each year is for equipment grants
 7.2 to public educational radio stations. This
 7.3 appropriation may be used for the repair,
 7.4 rental, and purchase of equipment including
 7.5 equipment under \$500.

7.6 (c) \$510,000 each year is for equipment grants
 7.7 to Minnesota Public Radio, Inc., including
 7.8 upgrades to Minnesota's Emergency Alert and
 7.9 AMBER Alert Systems.

7.10 (d) The appropriations in paragraphs (a) to (c)
 7.11 may not be used for indirect costs claimed by
 7.12 an institution or governing body.

7.13 (e) The commissioner of administration must
 7.14 consider the recommendations of the
 7.15 Association of Minnesota Public Educational
 7.16 Radio Stations before awarding grants under
 7.17 Minnesota Statutes, section 129D.14, using
 7.18 the appropriations in paragraphs (a) and (b).
 7.19 No grantee is eligible for a grant unless they
 7.20 are a member of the Association of Minnesota
 7.21 Public Educational Radio Stations on or before
 7.22 July 1, 2021.

7.23 (f) Any unencumbered balance remaining the
 7.24 first year for grants to public television or
 7.25 public radio stations does not cancel and is
 7.26 available for the second year.

7.27	<u>Sec. 12. CAPITOL AREA ARCHITECTURAL</u>			
7.28	<u>AND PLANNING BOARD</u>	<u>\$</u>	<u>351,000</u>	<u>\$ 351,000</u>

7.29	<u>Sec. 13. MINNESOTA MANAGEMENT AND</u>			
7.30	<u>BUDGET</u>	<u>\$</u>	<u>25,299,000</u>	<u>\$ 25,299,000</u>

7.31 The commissioner of management and budget
 7.32 must reduce executive budget officer staffing
 7.33 levels by six full-time equivalents.

7.34 **Sec. 14. REVENUE**

8.1	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>162,271,000</u>	<u>\$</u>	<u>162,271,000</u>
8.2	<u>Appropriations by Fund</u>				
8.3		<u>2022</u>	<u>2023</u>		
8.4	<u>General</u>	<u>158,057,000</u>	<u>158,057,000</u>		
8.5	<u>Health Care Access</u>	<u>1,760,000</u>	<u>1,760,000</u>		
8.6	<u>Highway User Tax</u>				
8.7	<u>Distribution</u>	<u>2,195,000</u>	<u>2,195,000</u>		
8.8	<u>Environmental</u>	<u>259,000</u>	<u>259,000</u>		
8.9	<u>Subd. 2. Tax System Management</u>		<u>133,924,000</u>		<u>133,924,000</u>
8.10	<u>Appropriations by Fund</u>				
8.11	<u>General</u>	<u>129,710,000</u>	<u>129,710,000</u>		
8.12	<u>Health Care Access</u>	<u>1,760,000</u>	<u>1,760,000</u>		
8.13	<u>Highway User Tax</u>				
8.14	<u>Distribution</u>	<u>2,195,000</u>	<u>2,195,000</u>		
8.15	<u>Environmental</u>	<u>259,000</u>	<u>259,000</u>		
8.16	<u>Taxpayer Assistance. (a) \$400,000 each year</u>				
8.17	<u>is for the commissioner of revenue to make</u>				
8.18	<u>grants to one or more nonprofit organizations,</u>				
8.19	<u>qualifying under section 501(c)(3) of the</u>				
8.20	<u>Internal Revenue Code of 1986, to coordinate,</u>				
8.21	<u>facilitate, encourage, and aid in the provision</u>				
8.22	<u>of taxpayer assistance services. The</u>				
8.23	<u>unencumbered balance in the first year does</u>				
8.24	<u>not cancel but is available for the second year.</u>				
8.25	<u>(b) For purposes of this section, "taxpayer</u>				
8.26	<u>assistance services" means accounting and tax</u>				
8.27	<u>preparation services provided by volunteers</u>				
8.28	<u>to low-income, elderly, and disadvantaged</u>				
8.29	<u>Minnesota residents to help them file federal</u>				
8.30	<u>and state income tax returns and Minnesota</u>				
8.31	<u>property tax refund claims and to provide</u>				
8.32	<u>personal representation before the Department</u>				
8.33	<u>of Revenue and Internal Revenue Service.</u>				
8.34	<u>Subd. 3. Debt Collection Management</u>		<u>28,347,000</u>		<u>28,347,000</u>
8.35	<u>Sec. 15. GAMBLING CONTROL</u>	<u>\$</u>	<u>5,728,000</u>	<u>\$</u>	<u>5,123,000</u>

9.1 These appropriations are from the lawful
9.2 gambling regulation account in the special
9.3 revenue fund. The base for this appropriation
9.4 in fiscal year 2024 is \$5,093,000. The base for
9.5 this appropriation in fiscal year 2025 and each
9.6 year thereafter is \$4,923,000.

9.7 \$865,000 the first year and \$260,000 the
9.8 second year are to create an information
9.9 system and to update the board's website. The
9.10 base for this appropriation in fiscal year 2024
9.11 is \$230,000. The base for this appropriation
9.12 in fiscal year 2025 and each year thereafter is
9.13 \$60,000.

9.14	Sec. 16. RACING COMMISSION	\$	913,000	\$	913,000
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9.15 These appropriations are from the racing and
9.16 card playing regulation accounts in the special
9.17 revenue fund.

9.18 **Sec. 17. STATE LOTTERY**

9.19 Notwithstanding Minnesota Statutes, section
9.20 349A.10, subdivision 3, the State Lottery's
9.21 operating budget must not exceed \$36,500,000
9.22 in fiscal year 2022 and \$36,500,000 in fiscal
9.23 year 2023.

9.24	Sec. 18. AMATEUR SPORTS COMMISSION	\$	306,000	\$	306,000
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9.25	Sec. 19. <u>COUNCIL FOR MINNESOTANS OF</u>			
9.26	<u>AFRICAN HERITAGE</u>	\$	532,000	\$ 532,000

9.27	Sec. 20. COUNCIL ON LATINO AFFAIRS	\$	525,000	\$	525,000
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9.28	Sec. 21. <u>COUNCIL ON ASIAN-PACIFIC</u>			
9.29	MINNESOTANS	\$	515,000	\$ 515,000

9.30	Sec. 22. INDIAN AFFAIRS COUNCIL	\$	846,000	\$	846,000
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9.31 Sec. 23. MINNESOTA HISTORICAL
9.32 SOCIETY

9.33	Subdivision 1. Total Appropriation	\$	23,768,000	\$	23,518,000
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10.1	<u>The amounts that may be spent for each</u>		
10.2	<u>purpose are specified in the following</u>		
10.3	<u>subdivisions.</u>		
10.4	<u>Subd. 2. Operations and Programs</u>	<u>23,197,000</u>	<u>23,197,000</u>
10.5	<u>Subd. 3. Fiscal Agent</u>		
10.6	<u>(a) Global Minnesota</u>	<u>39,000</u>	<u>39,000</u>
10.7	<u>(b) Minnesota Air National Guard Museum</u>	<u>17,000</u>	<u>17,000</u>
10.8	<u>(c) Hockey Hall of Fame</u>	<u>100,000</u>	<u>100,000</u>
10.9	<u>(d) Farmamerica</u>	<u>365,000</u>	<u>115,000</u>
10.10	<u>\$250,000 the first year is for site</u>		
10.11	<u>improvements, including classroom, upgrades,</u>		
10.12	<u>visitor center remodeling, and expanded</u>		
10.13	<u>agricultural literacy programming.</u>		
10.14	<u>(e) Minnesota Military Museum</u>	<u>50,000</u>	<u>50,000</u>
10.15	<u>Any unencumbered balance remaining in this</u>		
10.16	<u>subdivision the first year does not cancel but</u>		
10.17	<u>is available for the second year of the</u>		
10.18	<u>biennium.</u>		
10.19	<u>Sec. 24. BOARD OF THE ARTS</u>		
10.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 7,541,000</u>	<u>\$ 7,541,000</u>
10.21	<u>The amounts that may be spent for each</u>		
10.22	<u>purpose are specified in the following</u>		
10.23	<u>subdivisions.</u>		
10.24	<u>Subd. 2. Operations and Services</u>	<u>602,000</u>	<u>602,000</u>
10.25	<u>Subd. 3. Grants Program</u>	<u>4,800,000</u>	<u>4,800,000</u>
10.26	<u>Subd. 4. Regional Arts Councils</u>	<u>2,139,000</u>	<u>2,139,000</u>
10.27	<u>Any unencumbered balance remaining in this</u>		
10.28	<u>section the first year does not cancel, but is</u>		
10.29	<u>available for the second year.</u>		
10.30	<u>Sec. 25. MINNESOTA HUMANITIES</u>		
10.31	<u>CENTER</u>	<u>\$ 375,000</u>	<u>\$ 375,000</u>

11.1	Sec. 26. <u>BOARD OF ACCOUNTANCY</u>	\$	<u>675,000</u>	\$	<u>675,000</u>
11.2	Sec. 27. <u>BOARD OF ARCHITECTURE</u>				
11.3	<u>ENGINEERING, LAND SURVEYING,</u>				
11.4	<u>LANDSCAPE ARCHITECTURE,</u>				
11.5	<u>GEOSCIENCE, AND INTERIOR DESIGN</u>	\$	<u>851,000</u>	\$	<u>851,000</u>
11.6	Sec. 28. <u>BOARD OF COSMETOLOGIST</u>				
11.7	<u>EXAMINERS</u>	\$	<u>2,923,000</u>	\$	<u>2,923,000</u>
11.8	Sec. 29. <u>BOARD OF BARBER EXAMINERS</u>	\$	<u>343,000</u>	\$	<u>343,000</u>
11.9	Sec. 30. <u>GENERAL CONTINGENT</u>				
11.10	<u>ACCOUNTS</u>	\$	<u>1,000,000</u>	\$	<u>500,000</u>
11.11	<u>Appropriations by Fund</u>				
11.12		<u>2022</u>	<u>2023</u>		
11.13	<u>General</u>	<u>500,000</u>	<u>0</u>		
11.14	<u>State Government</u>				
11.15	<u>Special Revenue</u>	<u>400,000</u>	<u>400,000</u>		
11.16	<u>Workers'</u>				
11.17	<u>Compensation</u>	<u>100,000</u>	<u>100,000</u>		
11.18	<u>(a) The appropriations in this section may only</u>				
11.19	<u>be spent with the approval of the governor</u>				
11.20	<u>after consultation with the Legislative</u>				
11.21	<u>Advisory Commission pursuant to Minnesota</u>				
11.22	<u>Statutes, section 3.30.</u>				
11.23	<u>(b) If an appropriation in this section for either</u>				
11.24	<u>year is insufficient, the appropriation for the</u>				
11.25	<u>other year is available for it.</u>				
11.26	<u>(c) If a contingent account appropriation is</u>				
11.27	<u>made in one fiscal year, it should be</u>				
11.28	<u>considered a biennial appropriation.</u>				
11.29	Sec. 31. <u>TORT CLAIMS</u>	\$	<u>161,000</u>	\$	<u>161,000</u>
11.30	<u>These appropriations are to be spent by the</u>				
11.31	<u>commissioner of management and budget</u>				
11.32	<u>according to Minnesota Statutes, section</u>				
11.33	<u>3.736, subdivision 7. If the appropriation for</u>				
11.34	<u>either year is insufficient, the appropriation</u>				
11.35	<u>for the other year is available for it.</u>				

12.1 **Sec. 32. MINNESOTA STATE RETIREMENT**
12.2 **SYSTEM**

12.3	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>14,886,000</u>	<u>\$</u>	<u>14,878,000</u>
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12.4 The amounts that may be spent for each
12.5 purpose are specified in the following
12.6 subdivisions.

12.7 **Subd. 2. Combined Legislators and**
12.8 **Constitutional Officers Retirement Plan**

8,886,000	8,878,000
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12.9 Under Minnesota Statutes, sections 3A.03,
12.10 subdivision 2; 3A.04, subdivisions 3 and 4;
12.11 and 3A.115.

12.12 If an appropriation in this section for either
12.13 year is insufficient, the appropriation for the
12.14 other year is available for it.

12.15	Subd. 3. Judges Retirement Plan	6,000,000	6,000,000
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12.16 For transfer to the judges retirement fund
12.17 under Minnesota Statutes, section 490.123.
12.18 This transfer continues each fiscal year until
12.19 the judges retirement plan reaches 100 percent
12.20 funding as determined by an actuarial
12.21 valuation prepared according to Minnesota
12.22 Statutes, section 356.214.

12.23 **Sec. 33. PUBLIC EMPLOYEES RETIREMENT**
12.24 **ASSOCIATION**

\$ 15,000,000 \$ 15,000,000

12.25 (a) \$9,000,000 in each year is for direct state
12.26 aid to the public employees police and fire
12.27 retirement plan authorized under Minnesota
12.28 Statutes, section 353.65, subdivision 3b.

12.29 (b) State payments from the general fund to
12.30 the Public Employees Retirement Association
12.31 on behalf of the former MERF division
12.32 account are \$6,000,000 on September 15,
12.33 2021, and \$6,000,000 on September 15, 2022.

13.1 These amounts are estimated to be needed
 13.2 under Minnesota Statutes, section 353.505.

13.3 **Sec. 34. TEACHERS RETIREMENT**
 13.4 **ASSOCIATION** **\$ 29,831,000 \$ 29,831,000**

13.5 The amounts estimated to be needed are as
 13.6 follows:

13.7 **Special Direct State Aid. \$27,331,000 each**
 13.8 year is for special direct state aid authorized
 13.9 under Minnesota Statutes, section 354.436.

13.10 **Special Direct State Matching Aid.**
 13.11 \$2,500,000 each year is for special direct state
 13.12 matching aid authorized under Minnesota
 13.13 Statutes, section 354.435.

13.14 **Sec. 35. ST. PAUL TEACHERS RETIREMENT**
 13.15 **FUND** **\$ 14,827,000 \$ 14,827,000**

13.16 The amounts estimated to be needed for
 13.17 special direct state aid to the first class city
 13.18 teachers retirement fund association authorized
 13.19 under Minnesota Statutes, section 354A.12,
 13.20 subdivisions 3a and 3c.

13.21 **Sec. 36. APPROPRIATION; DEPARTMENT OF ADMINISTRATION.**

13.22 \$5,499,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
 13.23 of administration to reimburse the Federal Emergency Management Agency for the real
 13.24 property described in article 2, section 80. This is a onetime appropriation and is available
 13.25 until June 30, 2022.

13.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.27 **Sec. 37. APPROPRIATION; SECRETARY OF STATE.**

13.28 \$919,000 in fiscal year 2021 is appropriated from the general fund to the secretary of
 13.29 state to implement the requirements of article 4. This is a onetime appropriation and is
 13.30 available until June 30, 2022.

13.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.1 Sec. 38. **HAVA APPROPRIATIONS; MODIFICATION.**

14.2 (a) Notwithstanding any law to the contrary, the secretary of state must use all unobligated
14.3 amounts in the Help America Vote Act account appropriated under Laws 2019, First Special
14.4 Session chapter 10, article 1, section 40, to make grants to political subdivisions for the
14.5 purchase of election equipment in the manner prescribed under Minnesota Statutes, section
14.6 206.95. Expenditures under this section are subject to the federal Omnibus Appropriations
14.7 Act of 2018, Public Law 115-1410. These funds are available until March 23, 2023.

14.8 (b) Notwithstanding any law to the contrary, the secretary of state must use all unobligated
14.9 amounts in the Help America Vote Act account appropriated under Laws 2020, chapter 77,
14.10 section 3, to make grants to political subdivisions for the purchase of election equipment
14.11 in the manner prescribed under Minnesota Statutes, section 206.95. Expenditures under this
14.12 section are subject to the federal Consolidated Appropriations Act, 2020, Public Law 116-93,
14.13 Title V. These funds are available until December 21, 2024.

14.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.15 Sec. 39. **CANCELLATION; FISCAL YEAR 2021.**

14.16 (a) \$379,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
14.17 Special Session chapter 10, article 1, section 10 is canceled.

14.18 (b) \$300,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
14.19 Special Session chapter 10, article 1, section 11, subdivision 1 is canceled. This amount is
14.20 from the fiscal year 2021 appropriation for government and citizen services.

14.21 (c) \$1,367,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
14.22 Special Session chapter 10, article 1, section 13 is canceled.

14.23 (d) \$8,274,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
14.24 Special Session chapter 10, article 1, section 14, subdivision 1 is canceled. Of this amount,
14.25 \$7,305,000 is from the fiscal year 2021 appropriation for tax system management, and
14.26 \$969,000 is from the fiscal year 2021 appropriation for debt collection management.

14.27 (e) \$86,000 of the fiscal year 2020 general fund appropriation for moving and relocation
14.28 expenses under Laws 2019, First Special Session chapter 10, article 1, section 24, subdivision
14.29 2, as amended by Laws 2020, chapter 104, article 2, section 4 is canceled.

14.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.1 **Sec. 40. CANCELLATIONS; ITA ACCOUNT.**

(1) four senators, including two senators appointed by the senate majority leader and two senators appointed by the senate minority leader; and

(2) four members of the house of representatives, including two members appointed by the speaker of the house and two members appointed by the minority leader of the house.

Subd. 2. **Terms; vacancies.** Members of the commission serve for a two-year term beginning upon appointment and expiring on appointment of a successor after the opening of the next regular session of the legislature in the odd-numbered year. A vacancy in the membership of the commission must be filled for the unexpired term in a manner that will preserve the representation established by this section.

Subd. 3. **Duties.** The commission shall provide oversight of the state's cybersecurity measures. The commission shall review the policies and practices of state agencies with regard to cybersecurity and may recommend changes in policy to adequately protect the state from cybersecurity threats. The commission may develop recommendations and draft legislation to support and strengthen the state's cybersecurity infrastructure.

Subd. 4. **Chair.** The commission shall elect a chair by a majority vote of members present. If the commission is unable to elect a chair by a majority vote at its first meeting of a biennium, the ranking member of the majority party shall serve as chair. The officers shall alternate between a member of the senate and a member of the house of representatives. A chair shall serve a two-year term expiring upon election of a new chair after the opening of the next regular session of the legislature in the odd-numbered year.

Subd. 5. **Meetings.** The commission must meet at least three times per calendar year. The meetings of the commission are subject to section 3.055, except that the commission may close a meeting when necessary to safeguard the state's cybersecurity. The minutes, recordings, and documents from a closed meeting under this subdivision shall be maintained by the Legislative Coordinating Commission and shall not be made available to the public until eight years after the date of the meeting.

Subd. 6. **Administration.** The Legislative Coordinating Commission shall provide administrative services for the commission.

Subd. 7. **Expiration.** The commission expires December 31, 2028.

EFFECTIVE DATE. This section is effective the day following final enactment.

17.1 Sec. 4. Minnesota Statutes 2020, section 3.971, subdivision 2, is amended to read:

17.2 Subd. 2. **Staff; compensation.** (a) The legislative auditor shall establish a Financial
17.3 Audits Division and a Program Evaluation Division to fulfill the duties prescribed in this
17.4 section.

17.5 (b) Each division may be supervised by a deputy auditor, appointed by the legislative
17.6 auditor, with the approval of the commission, for a term coterminous with the legislative
17.7 auditor's term. The deputy auditors may be removed before the expiration of their terms
17.8 only for cause. The legislative auditor and deputy auditors may each appoint ~~a confidential~~
17.9 ~~secretary~~ an administrative support specialist to serve at pleasure. The salaries and benefits
17.10 of the legislative auditor, deputy auditors, ~~and confidential secretaries~~ administrative support
17.11 specialists shall be determined by the compensation plan approved by the Legislative
17.12 Coordinating Commission. The deputy auditors may perform and exercise the powers,
17.13 duties and responsibilities imposed by law on the legislative auditor when authorized by
17.14 the legislative auditor.

17.15 ~~(e) The legislative auditor must appoint a fiscal oversight officer with duties that include~~
17.16 ~~performing the review under section 3.972, subdivision 4.~~

17.17 ~~(d) (c) The legislative auditor, deputy auditors, and the confidential secretaries~~
17.18 administrative support specialists shall serve in the unclassified civil service, but ~~the fiscal~~
17.19 ~~oversight officer and all other employees of the legislative auditor are~~ shall serve in the
17.20 classified civil service. Compensation for employees of the legislative auditor in the classified
17.21 service shall be governed by a plan prepared by the legislative auditor and approved by the
17.22 Legislative Coordinating Commission and the legislature under section 3.855, subdivision
17.23 3.

17.24 ~~(e) (d)~~ While in office, a person appointed deputy for the Financial Audit Division must
17.25 hold an active license as a certified public accountant.

17.26 (e) Notwithstanding Minnesota Statutes, section 43A.32, subdivisions 2 and 3, or any
17.27 other law to the contrary, an employee of the legislative auditor is prohibited from being a
17.28 candidate for an elected public office.

17.29 Sec. 5. Minnesota Statutes 2020, section 3.971, is amended by adding a subdivision to
17.30 read:

17.31 Subd. 8a. **Special reviews.** The legislative auditor may conduct a special review to: (1)
17.32 fulfill a legal requirement; (2) investigate allegations that an individual or organization
17.33 subject to audit by the legislative auditor may not have complied with legal requirements

18.1 related to the use of public money, other public resources, or government data classified as
18.2 not public; (3) respond to a legislative request for a review of an organization or program
18.3 subject to audit by the legislative auditor; or (4) investigate allegations that an individual
18.4 may not have complied with Minnesota Statutes, section 43A.38 or 43A.39.

18.5 Sec. 6. Minnesota Statutes 2020, section 3.972, subdivision 2, is amended to read:

18.6 Subd. 2. **Audits of state and semistate agencies.** The legislative auditor shall ~~make a~~
18.7 ~~constant, as resources permit, audit of all the financial affairs activities of~~ (1) all departments
18.8 ~~and, agencies of, offices, and other organizations in the state, executive branch; (2) courts,~~
18.9 ~~offices, and other organizations in the state judicial branch; and of the financial records and~~
18.10 ~~transactions of~~ (3) public boards, associations, and societies, and other public organizations
18.11 created by state law or supported, wholly or in part, by state funds. Once in each year, if
18.12 ~~funds and personnel permit, without previous notice, The legislative auditor shall visit each~~
18.13 ~~state department and agency, association or society and, so far as practicable,~~

18.14 (1) ~~inspect;~~

18.15 (2) ~~thoroughly examine its books and accounts, verifying the funds, securities, and other~~
18.16 ~~assets;~~

18.17 (3) ~~check the items of receipts and disbursements with its voucher records;~~

18.18 (4) ~~ascertain the character of the official bonds for its officers and the financial ability~~
18.19 ~~of the bonding institution;~~

18.20 (5) ~~inspect its sources of revenue and the use and disposition of state appropriations and~~
18.21 ~~property;~~

18.22 (6) ~~investigate the methods of purchase and sale and the character of contracts on public~~
18.23 ~~account;~~

18.24 (7) ~~ascertain proper custody and depository for its funds and securities;~~

18.25 (8) ~~verify the inventory of public property and other assets held in trust; and~~

18.26 (9) ascertain that all financial transactions and operations involving the public funds and
18.27 property of the state comply with the spirit and purpose of the law, are sound by modern
18.28 standards of financial management, and are for the best protection of the public interest
18.29 funds and other public resources.

19.1 Sec. 7. Minnesota Statutes 2020, section 3.972, subdivision 2a, is amended to read:

19.2 Subd. 2a. **Audits of Department of Human Services.** ~~(a) To ensure continuous effective~~
19.3 legislative oversight and accountability, the legislative auditor shall give high priority to
19.4 auditing the programs, services, and benefits administered by the Department of Human
19.5 Services. ~~The audits shall determine whether~~ As resources permit, the legislative auditor
19.6 shall track and assess expenditures throughout the human service delivery system, from the
19.7 department offered to the point of service delivery, and determine whether human services
19.8 programs and provided, services, and benefits are being provided cost-effectively and only
19.9 to eligible persons individuals and organizations, and complied in compliance with applicable
19.10 legal requirements.

19.11 ~~(b) The legislative auditor shall, based on an assessment of risk and using professional~~
19.12 ~~standards to provide a statistically significant sample, no less than three times each year,~~
19.13 ~~test a representative sample of persons enrolled in a medical assistance program or~~
19.14 ~~MinnesotaCare to determine whether they are eligible to receive benefits under those~~
19.15 ~~programs. The legislative auditor shall report the results to the commissioner of human~~
19.16 ~~services and recommend corrective actions. The commissioner shall provide a response to~~
19.17 ~~the legislative auditor within 20 business days, including corrective actions to be taken to~~
19.18 ~~address any problems identified by the legislative auditor and anticipated completion dates.~~
19.19 ~~The legislative auditor shall monitor the commissioner's implementation of corrective actions~~
19.20 ~~and periodically report the results to the Legislative Audit Commission and the chairs and~~
19.21 ~~ranking minority members of the legislative committees with jurisdiction over health and~~
19.22 ~~human services policy and finance. The legislative auditor's reports to the commission and~~
19.23 ~~the chairs and ranking minority members must include recommendations for any legislative~~
19.24 ~~actions needed to ensure that medical assistance and MinnesotaCare benefits are provided~~
19.25 ~~only to eligible persons.~~

19.26 Sec. 8. Minnesota Statutes 2020, section 3.9741, subdivision 5, is amended to read:

19.27 Subd. 5. **State Data security; account; appropriation.** ~~(a) The data security account~~
19.28 is created in the special revenue fund. Money in the account is appropriated to the legislative
19.29 auditor.

19.30 ~~(b) Subject to available funds appropriated under paragraph (a), the legislative auditor~~
19.31 ~~shall:~~

19.32 ~~(1) review and audit the audit reports of subscribers and requesters submitted under~~
19.33 ~~section 168.327, subdivision 6, including producing findings and opinions;~~

~~(2) in collaboration with the commissioner and affected subscribers and requesters, recommend corrective action plans to remediate any deficiencies identified under clause (1); and~~

~~(3) review and audit driver records subscription services and bulk data practices of the Department of Public Safety, including identifying any deficiencies and making recommendations to the commissioner.~~

~~(c) The legislative auditor shall submit any reports, findings, and recommendations under this subdivision to the legislative commission on data practices.~~

Sec. 9. Minnesota Statutes 2020, section 3.978, subdivision 2, is amended to read:

Subd. 2. **Inquiry and inspection power; duty to aid legislative auditor.** All public officials and their deputies and employees, and all corporations, firms, and individuals having business involving the receipt, disbursement, or custody of public funds shall at all times afford reasonable facilities for examinations by the legislative auditor, make returns and reports required by the legislative auditor, attend and answer under oath the legislative auditor's lawful inquiries, produce and exhibit all books, accounts, documents, data of any classification, and property that the legislative auditor ~~may need~~ requests to inspect, and in all things ~~aid~~ cooperate with the legislative auditor ~~in the performance of duties.~~

Sec. 10. Minnesota Statutes 2020, section 3.979, subdivision 3, is amended to read:

Subd. 3. **Audit data.** (a) "Audit" as used in this subdivision means a financial audit, ~~review,~~ program evaluation, ~~best practices~~ special review, or investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been released by the legislative auditor or the audit is no longer being actively pursued. Upon release of a final audit report by the legislative auditor, data relating to an audit are public except data otherwise classified as not public.

(b) Data related to an audit but not published in the audit report and that the legislative auditor reasonably believes will be used in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued.

(c) Data ~~on individuals~~ that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative

21.1 auditor without an assurance that the individual's identity would remain private, or the
21.2 legislative auditor reasonably believes that the subject would not have provided the data.

21.3 (d) The definitions of terms provided in section 13.02 apply for purposes of this
21.4 subdivision.

21.5 Sec. 11. Minnesota Statutes 2020, section 3.98, subdivision 1, is amended to read:

21.6 Subdivision 1. **Preparation; duties.** (a) The head or chief administrative officer of each
21.7 department or agency of the state government, including the supreme court, shall prepare
21.8 a fiscal note consistent with the standards and procedures adopted under section 3.8853, at
21.9 the request of the chair of the standing committee to which a bill has been referred, or the
21.10 chair of the house of representatives Ways and Means Committee, or the chair of the senate
21.11 Committee on Finance, and as assigned by the director of the Legislative Budget Office.
21.12 The Legislative Budget Office may prepare a fiscal note if an agency does not comply with
21.13 this subdivision.

21.14 (b) For purposes of this subdivision, "supreme court" includes all agencies, committees,
21.15 and commissions supervised or appointed by the state supreme court or the state court
21.16 administrator.

21.17 Sec. 12. **[5.42] DISPLAY OF BUSINESS ADDRESS ON WEBSITE.**

21.18 (a) The secretary of state must not display on its website the addresses of an eligible
21.19 business entity that has made a written request to have the addresses omitted from the
21.20 website. A business entity is eligible to have all addresses omitted from display if the entity
21.21 certifies that:

21.22 (1) there is only one shareholder, member, manager, or owner of the business entity;

21.23 (2) the shareholder, manager, member, or owner is a natural person; and

21.24 (3) at least one of the addresses provided is the residential address of the sole shareholder,
21.25 manager, member, or owner.

21.26 The secretary of state shall post a notice that this option is available and a link to the form
21.27 needed to make a request on the secretary's website. The secretary of state shall also attach
21.28 a copy of the request form to all business filing forms provided in a paper format that require
21.29 a business entity to submit an address.

22.1 (b) This section does not change the classification of data under chapter 13 and addresses
22.2 shall be made available to the public in response to requests made by telephone, mail, e-mail,
22.3 and facsimile transmission.

22.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to business
22.5 entity filings filed with the secretary of state on or after that date.

22.6 Sec. 13. Minnesota Statutes 2020, section 12.31, subdivision 2, is amended to read:

22.7 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a
22.8 peacetime emergency. A peacetime declaration of emergency may be declared only when
22.9 an act of nature, a technological failure or malfunction, a terrorist incident, an industrial
22.10 accident, a hazardous materials accident, or a civil disturbance endangers life and property
22.11 and local government resources are inadequate to handle the situation. If the peacetime
22.12 emergency occurs on Indian lands, the governor or state director of emergency management
22.13 shall consult with tribal authorities before the governor makes such a declaration. Nothing
22.14 in this section shall be construed to limit the governor's authority to act without such
22.15 consultation when the situation calls for prompt and timely action. When the governor
22.16 declares a peacetime emergency, the governor must immediately notify the majority and
22.17 minority leaders of the senate and the speaker and majority and minority leaders of the
22.18 house of representatives. A peacetime emergency must not be continued for more than five
22.19 days unless extended by resolution of the Executive Council for up to an additional 25 days
22.20 for a cumulative total of 30 days. An order, or proclamation declaring, continuing, or
22.21 terminating an emergency must be given prompt and general publicity and filed with the
22.22 secretary of state.

22.23 (b) The governor shall not extend a peacetime emergency beyond the 30 days provided
22.24 in paragraph (a), unless the extension is approved by majority vote of each house of the
22.25 legislature, the legislature may terminate a peacetime emergency extending beyond 30 days.
22.26 The governor may make additional proposals to extend the peacetime emergency, and the
22.27 legislature may, by majority vote of each house, extend the peacetime emergency for up to
22.28 an additional 30 days per proposal. If the governor determines a need to extend the peacetime
22.29 emergency declaration beyond 30 days or beyond a peacetime emergency declaration
22.30 extended by up to 30 days by the legislature under this paragraph and the legislature is not
22.31 sitting in session, the governor must provide at least three days' notice to the majority and
22.32 minority leaders in both houses of the legislature of the governor's intent to issue a call
22.33 immediately convening both houses of the legislature. Nothing in this section limits the
22.34 governor's authority over or command of the National Guard as described in the Military

23.1 Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section
23.2 3.

23.3 (c) The governor shall not allow a peacetime emergency declaration to expire and declare
23.4 a new peacetime emergency for the same emergency in an effort to avoid obtaining legislative
23.5 approval for an extension of a peacetime emergency as provided under this subdivision.

23.6 (d) If a peacetime emergency declaration is in effect under this subdivision and the
23.7 governor determines the need to declare an additional, separate peacetime emergency in
23.8 response to a different event than the event for which the first emergency was declared, the
23.9 governor is not required to make an additional declaration under this subdivision for the
23.10 second peacetime emergency except for purposes of receiving federal aid under section
23.11 12.22. A second peacetime emergency declared under this paragraph shall be effective for
23.12 the duration of the first peacetime emergency declaration. An extension of either the first
23.13 or second peacetime emergency declaration, or both, under this paragraph is subject to
23.14 legislative approval as required in paragraph (b).

23.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.16 Sec. 14. Minnesota Statutes 2020, section 14.05, subdivision 1, is amended to read:

23.17 Subdivision 1. **Authority to adopt original rules restricted.** Each agency shall adopt,
23.18 amend, suspend, or repeal its rules in accordance with the procedures specified in sections
23.19 14.001 to 14.69, and only pursuant to specific authority delegated by law and in full
23.20 compliance with its duties and obligations. If a law authorizing rules is repealed, the rules
23.21 adopted pursuant to that law are automatically repealed on the effective date of the law's
23.22 repeal unless there is another law authorizing the rules. Except as provided in ~~section 14.06~~
23.23 sections 14.388 and 14.3895, sections 14.001 to 14.69 shall not be specific authority for an
23.24 agency to adopt, amend, suspend, or repeal rules.

23.25 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to rules adopted
23.26 on or after that date.

23.27 Sec. 15. Minnesota Statutes 2020, section 14.389, subdivision 5, is amended to read:

23.28 Subd. 5. **Option.** A law authorizing or requiring rules to be adopted under this section
23.29 may refer specifically to this subdivision. If the law contains a specific reference to this
23.30 subdivision, as opposed to a general reference to this section:

(1) the notice required in subdivision 2 must include a statement that a public hearing will be held if ~~100~~ 25 or more people request a hearing. The request must be in the manner specified in section 14.25; and

(2) if ~~100~~ 25 or more people submit a written request for a public hearing, the agency may adopt the rule only after complying with all of the requirements of chapter 14 for rules adopted after a public hearing.

EFFECTIVE DATE. This section is effective July 1, 2021, and applies to rules proposed on or after that date.

Sec. 16. Minnesota Statutes 2020, section , is amended to read:

14.57 INITIATION; DECISION; AGREEMENT TO ARBITRATE.

(a) An agency shall initiate a contested case proceeding when one is required by law. ~~Unless otherwise provided by law, An agency shall decide~~ submit a contested case ~~only to the Office of Administrative Hearings for disposition~~ in accordance with the contested case procedures of the Administrative Procedure Act. Upon initiation of a contested case proceeding, ~~an agency may, by order, provide that~~ the report or order of the administrative law judge constitutes the final decision in the case.

(b) As an alternative to initiating or continuing with a contested case proceeding, the parties, subsequent to agency approval, may enter into a written agreement to submit the issues raised to arbitration by an administrative law judge according to sections 572B.01 to 572B.31.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to contested cases initiated on or after that date.

Sec. 17. Minnesota Statutes 2020, section 15.01, is amended to read:

15.01 DEPARTMENTS OF THE STATE.

The following agencies are designated as the departments of the state government: the Department of Administration; the Department of Agriculture; the Department of Commerce; the Department of Corrections; the Department of Education; the Department of Employment and Economic Development; the Department of Health; the Department of Human Rights; the Department of Information Technology Services; the Department of Iron Range Resources and Rehabilitation; the Department of Labor and Industry; the Department of Management and Budget; the Department of Military Affairs; the Department of Natural Resources; the Department of Public Safety; the Department of Human Services; the

25.1 Department of Revenue; the Department of Transportation; the Department of Veterans
25.2 Affairs; and their successor departments.

25.3 Sec. 18. [15.4442] GEOGRAPHIC DISTRIBUTION OF STATE EMPLOYEE
25.4 LAYOFFS.

25.5 Notwithstanding any law to the contrary, if layoffs of employees of executive branch
25.6 state agencies are necessary due to an anticipated budget deficit, each executive branch state
25.7 agency must make personnel reductions so that economies of the state outside of the
25.8 metropolitan area, as defined in section 473.121, subdivision 2, are not disproportionately
25.9 affected by the layoffs. "Executive branch state agency" has the meaning given in section
25.10 16A.011, subdivision 12a.

25.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
25.12 applies to collective bargaining agreements entered into on or after that date.

25.13 Sec. 19. [15.761] SAVI PROGRAM.

25.14 Subdivision 1. **Program established.** The state agency value initiative (SAVI) program
25.15 is established to encourage state agencies to identify cost-effective and efficiency measures
25.16 in agency programs and operations that result in cost savings for the state. All state agencies
25.17 not separately authorized to carry forward operating funds may participate in this program.

25.18 Subd. 2. **Retained savings.** (a) In order to encourage innovation and creative cost savings
25.19 by state employees, upon approval of the commissioner of management and budget, 50
25.20 percent of any appropriations for agency operations that remain unspent at the end of a
25.21 biennium because of unanticipated innovation, efficiencies, or creative cost-savings may
25.22 be carried forward and retained by the agency to fund specific agency proposals or projects.
25.23 Agencies choosing to spend retained savings funds must ensure that project expenditures
25.24 do not create future obligations beyond the amounts available from the retained savings.
25.25 The retained savings must be used only to fund projects that directly support the performance
25.26 of the agency's duties. This section does not restrict authority granted by other law to carry
25.27 forward money for a different period or for different purposes.

25.28 (b) This section supersedes any contrary provision of section 16A.28.

25.29 Subd. 3. **Review process.** An agency may spend money for a project after:

25.30 (1) the agency has posted notice of spending for the proposed project on the agency
25.31 website for at least 30 days;

26.1 (2) the commissioner of management and budget has approved spending money from
26.2 the SAVI account for the project; and

26.3 (3) the commissioner has notified the Legislative Audit Commission for its review and
26.4 comment.

26.5 Subd. 4. **SAVI-dedicated account.** Each agency that participates in the SAVI program
26.6 shall have a SAVI-dedicated account in the special revenue fund, or other appropriate fund
26.7 as determined by the commissioner of management and budget, into which the agency's
26.8 savings are deposited. The agency will manage and review projects that are funded from
26.9 this account. Money in the account is appropriated to the participating agency for purposes
26.10 authorized by this section.

26.11 **EFFECTIVE DATE.** This section is effective June 30, 2022, and first applies to funds
26.12 to be carried forward from the biennium ending June 30, 2022, to the biennium beginning
26.13 July 1, 2022.

26.14 Sec. 20. **[16A.0465] LIMITING GROWTH IN STATE EMPLOYMENT BASED**
26.15 **ON STATE POPULATION.**

26.16 The percentage growth of the total number of full-time equivalent positions employed
26.17 by all executive branch state agencies from one fiscal year to the next must not exceed the
26.18 percentage growth of the state population during the same time frame, as projected by the
26.19 state demographer. "Executive branch state agencies" as used in this section has the meaning
26.20 given for the same term in Minnesota Statutes, section 16A.011, subdivision 12a, and does
26.21 not include Minnesota State Colleges and Universities.

26.22 Sec. 21. Minnesota Statutes 2020, section 16A.06, is amended by adding a subdivision to
26.23 read:

26.24 Subd. 12. **Audit of state's use of federal funds; annual appropriation.** The
26.25 commissioner shall contract with a qualified auditor to conduct the annual audit required
26.26 by the United States Single Audit Act of 1984, Public Law 98-502, the Single Audit Act
26.27 Amendments of 1996, Public Law 104-156, and Title 2 United States Code of Federal
26.28 Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and
26.29 Audit Requirements for Federal Awards (Uniform Guidance). There is annually appropriated
26.30 from the general fund to the commissioner an amount sufficient to pay the cost of the annual
26.31 audit. The cost of the audit shall be billed to the agencies audited during the subsequent
26.32 fiscal year. Amounts paid by state agencies shall be deposited to the general fund.

27.1 Sec. 22. Minnesota Statutes 2020, section 16A.152, subdivision 2, is amended to read:

27.2 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund
27.3 revenues and expenditures, the commissioner of management and budget determines that
27.4 there will be a positive unrestricted budgetary general fund balance at the close of the
27.5 biennium, the commissioner of management and budget must allocate money to the following
27.6 accounts and purposes in priority order:

27.7 (1) the cash flow account established in subdivision 1 until that account reaches
27.8 \$350,000,000;

27.9 (2) the budget reserve account established in subdivision 1a until that account reaches
27.10 \$1,596,522,000;

27.11 (3) the amount necessary to increase the aid payment schedule for school district aids
27.12 and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest
27.13 tenth of a percent without exceeding the amount available and with any remaining funds
27.14 deposited in the budget reserve;

27.15 (4) the amount necessary to restore all or a portion of the net aid reductions under section
27.16 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75,
27.17 subdivision 5, by the same amount; and

27.18 ~~(5) the clean water fund established in section 114D.50 until \$22,000,000 has been~~
27.19 ~~transferred into the fund; and~~

27.20 ~~(6)~~ (5) the amount necessary to increase the Minnesota 21st century fund by not more
27.21 than the difference between \$5,000,000 and the sum of the amounts credited and canceled
27.22 to it in the previous 12 months under Laws 2020, chapter 71, article 1, section 11, until the
27.23 sum of all transfers under this section and all amounts credited or canceled under Laws
27.24 2020, chapter 71, article 1, section 11, equals \$20,000,000.

27.25 (b) The amounts necessary to meet the requirements of this section are appropriated
27.26 from the general fund within two weeks after the forecast is released or, in the case of
27.27 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations
27.28 schedules otherwise established in statute.

27.29 (c) The commissioner of management and budget shall certify the total dollar amount
27.30 of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
27.31 The commissioner of education shall increase the aid payment percentage and reduce the
27.32 property tax shift percentage by these amounts and apply those reductions to the current
27.33 fiscal year and thereafter.

28.1 (d) Paragraph (a), clause (5), expires after the entire amount of the transfer has been
28.2 made.

28.3 Sec. 23. Minnesota Statutes 2020, section 16A.28, subdivision 3, is amended to read:

28.4 Subd. 3. **Lapse.** Any portion of any appropriation not carried forward and remaining
28.5 unexpended and unencumbered at the close of a fiscal year lapses to the fund from which
28.6 it was originally appropriated. Except as provided in section 15.761, any appropriation
28.7 amounts not carried forward and remaining unexpended and unencumbered at the close of
28.8 a biennium lapse to the fund from which the appropriation was made.

28.9 **EFFECTIVE DATE.** This section is effective June 30, 2022.

28.10 Sec. 24. **[16A.401] VIRTUAL PAYMENTS AUTHORIZED.**

28.11 Subdivision 1. **Virtual payments.** The commissioner may establish a program to issue
28.12 virtual payments from the state treasury. Any rebate to the state generated by the program
28.13 must be deposited in the general fund unless retained under subdivision 3.

28.14 Subd. 2. **Rebates.** Notwithstanding subdivision 1, rebates attributable to expenditures
28.15 in funds established in the state constitution or protected by federal law must be returned
28.16 to the account from which the expenditure originated.

28.17 Subd. 3. **Rebates retained.** The commissioner may retain a portion of rebates for the
28.18 administration of this section. Money retained under this subdivision must be deposited in
28.19 an account in the special revenue fund and is appropriated to the commissioner for the
28.20 purposes of this section.

28.21 Sec. 25. Minnesota Statutes 2020, section 16B.24, subdivision 1, is amended to read:

28.22 Subdivision 1. **Operation and maintenance of buildings.** The commissioner is
28.23 authorized to maintain and operate the State Capitol building and grounds, subject to whatever
28.24 standards and policies are set for its appearance and cleanliness by the Capitol Area
28.25 Architectural and Planning Board and the commissioner under section 15B.15, subdivision
28.26 2, and all other buildings, cafeterias, and grounds in state-owned buildings in the Capitol
28.27 Area under section 15B.02, the state Department of Public Safety, Bureau of Criminal
28.28 Apprehension building in St. Paul, ~~the state Department of Health building in Minneapolis,~~
28.29 ~~321 Grove Street buildings~~ 603 Pine Street building in St. Paul, Fleet and Surplus Services
28.30 building in Arden Hills, Ely Revenue building, any other properties acquired by the
28.31 Department of Administration, and, when the commissioner considers it advisable and
28.32 practicable, any other building or premises owned or rented by the state for the use of a

state agency. The commissioner shall assign and reassign office space in the Capitol and state buildings to make an equitable division of available space among agencies. The commissioner shall regularly update the long-range strategic plan for locating agencies and shall follow the plan in assigning and reassigning space to agencies. The plan must include locational and urban design criteria, a cost-analysis method to be used in weighing state ownership against leasing of space in specific instances, and a transportation management plan. If the commissioner determines that a deviation from the plan is necessary or desirable in a specific instance, the commissioner shall provide the legislature with a timely written explanation of the reasons for the deviation. The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 26. Minnesota Statutes 2020, section 16B.24, is amended by adding a subdivision to read:

Subd. 13. **Electric vehicle charging.** The commissioner shall require that a user of a charging station located on the State Capitol complex used to charge a private electric vehicle pay an electric service fee. The commissioner shall set the electric service fee rate to cover electricity costs for charging an electric vehicle, depreciation for the charging station, and the administrative costs associated with providing electric charging stations.

Sec. 27. Minnesota Statutes 2020, section 16B.281, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** The commissioner of administration shall send written notice to all state departments, agencies, and the University of Minnesota describing any lands or tracts that may be declared surplus. For any property designated as a historic place under section 138.664 or a historic site under section 138.662, the commissioner must send written notice to the State Historic Preservation Office describing any lands or tracts that may be declared surplus. If a department or agency or the University of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land or tract. The commissioner shall then determine whether any of the lands described should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents shall not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner

30.1 shall make findings of fact, describe the lands, declare the lands to be surplus state land,
30.2 and state the reasons for the sale or disposition of the lands.

30.3 Sec. 28. Minnesota Statutes 2020, section 16B.281, subdivision 6, is amended to read:

30.4 Subd. 6. **Maintenance of land before sale.** The state department or agency holding
30.5 custodial control shall maintain the state-owned lands until the lands are sold or otherwise
30.6 disposed of as provided for in sections 16B.281 to 16B.287. State-owned land designated
30.7 as a historic place under section 138.664 or a historic site under section 138.662 must not
30.8 be disposed of without specific authorization in law.

30.9 Sec. 29. Minnesota Statutes 2020, section 16B.2975, is amended by adding a subdivision
30.10 to read:

30.11 Subd. 8. **Canine management.** The commissioner may give and convey to a canine's
30.12 handler the state's entirety of the right, title, interest, and estate in and to a canine who is
30.13 retired from service, with whom the handler trained and worked while the canine was in
30.14 service to the state. The handler is solely responsible for all future expenses related to the
30.15 retired canine.

30.16 Sec. 30. Minnesota Statutes 2020, section 16B.48, subdivision 2, is amended to read:

30.17 Subd. 2. **Purpose of funds.** Money in the state treasury credited to the general services
30.18 revolving fund and money that is deposited in the fund is appropriated annually to the
30.19 commissioner for the following purposes:

30.20 (1) to operate the central mailing service, including purchasing postage and related items
30.21 and refunding postage deposits;

30.22 (2) to operate a documents service as prescribed by section 16B.51;

30.23 (3) to provide services for the maintenance, operation, and upkeep of buildings and
30.24 grounds managed by the commissioner of administration;

30.25 ~~(4) to operate a materials handling service, including interagency mail and product~~
30.26 ~~delivery, solid waste removal, courier service, equipment rental, and vehicle and equipment~~
30.27 ~~maintenance;~~

30.28 ~~(5)~~ (4) to provide analytical, statistical, and organizational development services to state
30.29 agencies, local units of government, metropolitan and regional agencies, and school districts;
30.30 and

31.1 ~~(6)~~ (5) to perform services for any other agency. Money may be expended for this purpose
31.2 only when directed by the governor. The agency receiving the services shall reimburse the
31.3 fund for their cost, and the commissioner shall make the appropriate transfers when requested.
31.4 The term "services" as used in this clause means compensation paid officers and employees
31.5 of the state government; supplies, materials, equipment, and other articles and things used
31.6 by or furnished to an agency; and utility services and other services for the maintenance,
31.7 operation, and upkeep of buildings and offices of the state government; ~~and.~~
31.8 ~~(7) to operate a state recycling center.~~

31.9 Sec. 31. Minnesota Statutes 2020, section 16B.54, subdivision 1, is amended to read:

31.10 Subdivision 1. **Motor pools.** The commissioner shall manage a central motor pool of
31.11 passenger motor vehicles and trucks used by state agencies with principal offices in the city
31.12 of St. Paul and may provide for branch central motor pools at other places within the state.
31.13 For purposes of this section, (1) "agencies" includes the Minnesota State Colleges and
31.14 Universities, ~~and~~ (2) "passenger motor vehicle" means on-road vehicle capable of transporting
31.15 people, and (3) "truck" means a pickup or panel truck up to one ton carrying capacity.

31.16 Sec. 32. Minnesota Statutes 2020, section 16B.54, subdivision 2, is amended to read:

31.17 Subd. 2. **Vehicles.** (a) The commissioner may direct an agency to make a transfer of a
31.18 passenger motor vehicle or truck currently assigned to it. The transfer must be made to the
31.19 commissioner for use in the central motor pool. The commissioner shall reimburse an agency
31.20 whose motor vehicles have been paid for with funds dedicated by the constitution for a
31.21 special purpose and which are assigned to the central motor pool. The amount of
31.22 reimbursement for a motor vehicle is its average wholesale price as determined from the
31.23 midwest edition of the National Automobile Dealers Association official used car guide.

31.24 (b) To the extent that funds are available for the purpose, the commissioner may purchase
31.25 or otherwise acquire additional passenger motor vehicles and trucks necessary for the central
31.26 motor pool. The title to all motor vehicles assigned to or purchased or acquired for the
31.27 central motor pool is in the name of the Department of Administration.

31.28 (c) On the request of an agency, the commissioner may transfer to the central motor
31.29 pool any passenger motor vehicle or truck for the purpose of disposing of it. The department
31.30 or agency transferring the vehicle or truck must be paid for it from the motor pool revolving
31.31 account established by this section in an amount equal to two-thirds of the average wholesale
31.32 price of the vehicle or truck as determined from the midwest edition of the National
31.33 Automobile Dealers Association official used car guide.

(d) The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by:

(1) the governor;

(2) the lieutenant governor;

(3) the Division of Criminal Apprehension, the Division of Alcohol and Gambling Enforcement, and arson investigators of the Division of Fire Marshal in the Department of Public Safety;

(4) the Financial Institutions Division and investigative staff of the Department of Commerce;

(5) the Division of Disease Prevention and Control of the Department of Health;

(6) the State Lottery;

(7) criminal investigators of the Department of Revenue;

(8) state-owned community service facilities in the Department of Human Services;

(9) the Office of the Attorney General; ~~and~~

(10) the investigative staff of the Gambling Control Board; and

(11) the Department of Corrections inmate community work crew program under section 352.91, subdivision 3g.

Sec. 33. Minnesota Statutes 2020, section 16E.01, is amended to read:

16E.01 OFFICE OF MN.IT MINNESOTA DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES.

Subdivision 1. **Creation; chief information officer.** ~~The Office of MN.IT~~ Minnesota Department of Information Technology Services, which may also be known as Minnesota Information Technology Services or Minnesota IT Services, referred to in this chapter as the ~~"office,"~~ "department," is an agency in the executive branch headed by a commissioner, who also is the ~~state~~ chief information officer. The appointment of the commissioner is subject to the advice and consent of the senate under section 15.066.

Subd. 1a. **Responsibilities.** ~~The office~~ department shall provide oversight, leadership, and direction for information and telecommunications technology policy and the management, delivery, accessibility, and security of executive branch information and

telecommunications technology systems and services in Minnesota. The ~~office~~ department shall manage strategic investments in information and telecommunications technology systems and services ~~to encourage the development of a technically literate society~~; to ensure sufficient access to and efficient delivery of accessible government services, and to maximize benefits for the state government as an enterprise.

Subd. 2. **Discretionary powers.** The ~~office~~ department may:

(1) enter into contracts for goods or services with public or private organizations and charge fees for services it provides;

(2) apply for, receive, and expend money from public agencies;

(3) apply for, accept, and disburse grants and other aids from the federal government and other public or private sources;

(4) enter into contracts with agencies of the federal government, local governmental units, the University of Minnesota and other educational institutions, and private persons and other nongovernmental organizations as necessary to perform its statutory duties;

(5) sponsor and conduct conferences and studies, collect and disseminate information, and issue reports relating to information and communications technology issues;

(6) review the technology infrastructure of regions of the state and cooperate with and make recommendations to the governor, legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of information and communications technology infrastructure development potential;

(7) sponsor, support, and facilitate innovative and collaborative economic and community development and government services projects, including technology initiatives related to culture and the arts, with public and private organizations; and

(8) review and recommend alternative sourcing strategies for state information and communications systems.

Subd. 3. **Duties.** (a) The ~~office~~ department shall:

(1) manage the efficient and effective use of available federal, state, local, and public-private resources to develop statewide information and telecommunications technology systems and services and its infrastructure;

(2) approve state agency and intergovernmental information and telecommunications technology systems and services development efforts involving state or intergovernmental

34.1 funding, including federal funding, provide information to the legislature regarding projects
34.2 reviewed, and recommend projects for inclusion in the governor's budget under section
34.3 16A.11;

34.4 (3) ~~ensure~~ promote cooperation and collaboration among state and local governments
34.5 in developing intergovernmental information and telecommunications technology systems
34.6 and services; ~~and define the structure and responsibilities of a representative governance~~
34.7 ~~structure~~;

34.8 (4) cooperate and collaborate with the legislative and judicial branches in the development
34.9 of information and communications systems in those branches, as requested;

34.10 (5) continue the development of North Star, the state's official comprehensive online
34.11 service and information initiative;

34.12 ~~(6) promote and collaborate with the state's agencies in the state's transition to an~~
34.13 ~~effectively competitive telecommunications market~~;

34.14 ~~(7) collaborate with entities carrying out education and lifelong learning initiatives to~~
34.15 ~~assist Minnesotans in developing technical literacy and obtaining access to ongoing learning~~
34.16 ~~resources~~;

34.17 ~~(8)~~ (6) promote and coordinate public information access and network initiatives,
34.18 consistent with chapter 13, to connect Minnesota's citizens and communities to each other,
34.19 to their governments, and to the world;

34.20 ~~(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota~~
34.21 ~~businesses and citizens can successfully compete in the global economy~~;

34.22 ~~(10)~~ (7) manage and promote the regular and periodic reinvestment in the information
34.23 and telecommunications technology systems and services infrastructure so that state and
34.24 local government agencies can effectively and efficiently serve their customers;

34.25 ~~(11)~~ (8) facilitate the cooperative development of and ensure compliance with standards
34.26 and policies for information and telecommunications technology systems and services,
34.27 electronic data practices and privacy; ~~and electronic commerce among international, national,~~
34.28 ~~state, and local public and private organizations~~ within the executive branch;

34.29 ~~(12)~~ (9) eliminate unnecessary duplication of existing information and
34.30 telecommunications technology systems and services provided by state agencies;

34.31 ~~(13)~~ (10) identify, sponsor, develop, and execute shared information and
34.32 telecommunications technology projects and ongoing operations;

35.1 ~~(14)~~ (11) ensure overall security of the state's information and technology systems and
35.2 services; and

35.3 ~~(15)~~ (12) manage and direct compliance with accessibility standards for informational
35.4 technology, including hardware, software, websites, online forms, and online surveys.

35.5 (b) The chief information officer, in consultation with the commissioner of management
35.6 and budget, must determine when it is cost-effective for agencies to develop and use shared
35.7 information and telecommunications technology systems and services for the delivery of
35.8 electronic government services. The chief information officer may require agencies to use
35.9 shared information and telecommunications technology systems and services. The chief
35.10 information officer shall establish reimbursement rates in cooperation with the commissioner
35.11 of management and budget to be billed to agencies and other governmental entities sufficient
35.12 to cover the actual development, operating, maintenance, and administrative costs of the
35.13 shared systems. The methodology for billing may include the use of interagency agreements,
35.14 or other means as allowed by law.

35.15 (c) A state agency that has an information and telecommunications technology project
35.16 ~~with a total expected project cost of more than \$1,000,000~~, whether funded as part of the
35.17 biennial budget or by any other means, shall register with the ~~office~~ department by submitting
35.18 basic project startup documentation, as specified by the chief information officer in both
35.19 format and content, ~~before any project funding is requested or committed and before the~~
35.20 ~~project commences~~. State agency project leaders must demonstrate that the project will be
35.21 properly managed, provide updates to the project documentation as changes are proposed,
35.22 and regularly report on the current status of the project on a schedule agreed to with the
35.23 chief information officer. The chief information officer has the authority to define a project
35.24 for the purposes of this chapter.

35.25 (d) The chief information officer shall monitor progress on any active information and
35.26 telecommunications technology project with a total expected project cost of more than
35.27 \$5,000,000 and report on the performance of the project in comparison with the plans for
35.28 the project in terms of time, scope, and budget. The chief information officer may conduct
35.29 an independent project audit of the project. The audit analysis and evaluation of the projects
35.30 subject to paragraph (c) must be presented to agency executive sponsors, the project
35.31 governance bodies, and the chief information officer. All reports and responses must become
35.32 part of the project record.

35.33 (e) For any active information and telecommunications technology project with a total
35.34 expected project cost of more than \$10,000,000, the state agency must perform an annual

36.1 independent audit that conforms to published project audit principles ~~promulgated~~ adopted
36.2 by the ~~office~~ department.

36.3 (f) The chief information officer shall report by January 15 of each year to the chairs
36.4 and ranking minority members of the legislative committees and divisions with jurisdiction
36.5 over the ~~office~~ department regarding projects the ~~office~~ department has reviewed under
36.6 paragraph (a), clause ~~(13)~~ (10). The report must include the reasons for the determinations
36.7 made in the review of each project and a description of its current status.

36.8 Sec. 34. Minnesota Statutes 2020, section 16E.016, is amended to read:

36.9 **16E.016 RESPONSIBILITY FOR INFORMATION TECHNOLOGY SERVICES**
36.10 **AND EQUIPMENT.**

36.11 (a) The chief information officer is responsible for providing or entering into managed
36.12 services contracts for the provision, improvement, and development of the following
36.13 information technology systems and services to state agencies:

36.14 (1) state data centers;

36.15 (2) mainframes including system software;

36.16 (3) servers including system software;

36.17 (4) desktops including system software;

36.18 (5) laptop computers including system software;

36.19 (6) a data network including system software;

36.20 (7) database, electronic mail, office systems, reporting, and other standard software
36.21 tools;

36.22 (8) business application software and related technical support services;

36.23 (9) help desk for the components listed in clauses (1) to (8);

36.24 (10) maintenance, problem resolution, and break-fix for the components listed in clauses
36.25 (1) to (8);

36.26 (11) regular upgrades and replacement for the components listed in clauses (1) to (8);

36.27 and

36.28 (12) network-connected output devices.

36.29 (b) All state agency employees whose work primarily involves functions specified in
36.30 paragraph (a) are employees of the ~~Office of MN.IT Services~~ Minnesota Department of

Information Technology Services. This includes employees who directly perform the functions in paragraph (a), as well as employees whose work primarily involves managing, supervising, or providing administrative services or support services to employees who directly perform these functions. The chief information officer may assign employees of the ~~office~~ department to perform work exclusively for another state agency.

(c) Subject to sections 16C.08 and 16C.09, the chief information officer may allow a state agency to obtain services specified in paragraph (a) through a contract with an outside vendor when the chief information officer and the agency head agree that a contract would provide best value, as defined in section 16C.02, under the service-level agreement. The chief information officer must require that agency contracts with outside vendors ensure that systems and services are compatible with standards established by the ~~Office of MN.IT~~ Minnesota Department of Information Technology Services.

(d) The Minnesota State Retirement System, the Public Employees Retirement Association, the Teachers Retirement Association, the State Board of Investment, the Campaign Finance and Public Disclosure Board, the State Lottery, and the Statewide Radio Board are not state agencies for purposes of this section.

Sec. 35. Minnesota Statutes 2020, section 16E.02, is amended to read:

16E.02 ~~OFFICE OF MN.IT~~ MINNESOTA DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; STRUCTURE AND PERSONNEL.

Subdivision 1. **Office Department management and structure.** (a) The chief information officer is appointed by the governor. The chief information officer serves in the unclassified service at the pleasure of the governor. The chief information officer must have experience leading enterprise-level information technology organizations. The chief information officer is the state's chief information officer and information and telecommunications technology ~~advisor~~ adviser to the governor.

(b) The chief information officer may appoint other employees of the ~~office~~ department. ~~The Staff of the office department~~ must include individuals knowledgeable in information and telecommunications technology systems and services and individuals with specialized training in information security and accessibility.

~~(c) The chief information officer may appoint a webmaster responsible for the supervision and development of state websites under the control of the office. The webmaster, if appointed, shall ensure that these websites are maintained in an easily accessible format that is consistent throughout state government and are consistent with the accessibility~~

~~standards developed under section 16E.03, subdivision 9. The webmaster, if appointed, shall provide assistance and guidance consistent with the requirements of this paragraph to other state agencies for the maintenance of other websites not under the direct control of the office.~~

Subd. 1a. **Accountability.** The chief information officer reports to the governor. The chief information officer must consult regularly with ~~the~~ executive branch agency ~~commissioners of administration, management and budget, human services, revenue, and other commissioners as designated by the governor,~~ on technology projects, standards, and services as well as management of resources and staff utilization.

Sec. 36. Minnesota Statutes 2020, section 16E.03, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this chapter, the following terms have the meanings given them.

(b) "Information and telecommunications technology systems and services" means all computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically. "Information and telecommunications technology systems and services" includes all proposed expenditures for computing and telecommunications hardware and software, security for that hardware and software, and related consulting or other professional services.

~~(c) "Information and telecommunications technology project" means an effort to acquire or produce information and telecommunications technology systems and services.~~

~~(d)~~ (c) "Telecommunications" means voice, video, and data electronic transmissions transported by wire, wireless, fiber-optic, radio, or other available transport technology.

~~(e)~~ (d) "Cyber security" means the protection of data and systems in networks connected to the Internet.

~~(f)~~ (e) "State agency" means an agency in the executive branch of state government and includes the Minnesota Office of Higher Education, but does not include the Minnesota State Colleges and Universities unless specifically provided elsewhere in this chapter.

~~(g)~~ (f) "Total expected project cost" includes direct staff costs, all supplemental contract staff and vendor costs, and costs of hardware and software development or purchase.

Breaking a project into several phases does not affect the cost threshold, which must be computed based on the full cost of all phases.

39.1 ~~(h)~~ (g) "Cloud computing" has the meaning described by the National Institute of
39.2 Standards and Technology of the United States Department of Commerce in special
39.3 publication 800-145, September 2011.

39.4 Sec. 37. Minnesota Statutes 2020, section 16E.03, subdivision 2, is amended to read:

39.5 Subd. 2. **Chief information officer's responsibility.** The chief information officer shall:

39.6 (1) design a master plan for information and telecommunications technology systems
39.7 and services in the state ~~and its political subdivisions~~ and shall report on the plan to the
39.8 governor and legislature at the beginning of each regular session;

39.9 (2) coordinate, review, and approve all information and telecommunications technology
39.10 projects and oversee the state's information and telecommunications technology systems
39.11 and services;

39.12 (3) establish and enforce compliance with standards for information and
39.13 telecommunications technology systems and services that are cost-effective and support
39.14 open systems environments and that are compatible with state, national, and international
39.15 standards, including accessibility standards;

39.16 (4) maintain a library of systems and programs developed by the state ~~and its political~~
39.17 ~~subdivisions~~ for use by agencies of government;

39.18 (5) direct and manage the shared operations of the state's information and
39.19 telecommunications technology systems and services; and

39.20 (6) establish and enforce standards and ensure acquisition of hardware and software
39.21 necessary to protect data and systems in state agency networks connected to the Internet.

39.22 Sec. 38. Minnesota Statutes 2020, section 16E.03, subdivision 3, is amended to read:

39.23 Subd. 3. **Evaluation and approval.** A state agency may not undertake an information
39.24 and telecommunications technology project until it has been evaluated according to the
39.25 procedures developed under subdivision 4. The chief information officer or delegate shall
39.26 give written approval of the proposed project. ~~When notified by the chief information officer~~
39.27 ~~that a project has not been approved, the commissioner of management and budget shall~~
39.28 ~~cancel the unencumbered balance of any appropriation allotted for the project.~~

39.29 Sec. 39. Minnesota Statutes 2020, section 16E.03, subdivision 6, is amended to read:

39.30 Subd. 6. **System development methods.** The chief information officer shall establish
39.31 and, as necessary, update and modify methods for developing information and

communications systems appropriate to the specific needs of individual state agencies. The development methods shall be used to define the design, programming, and implementation of systems. ~~The development methods must also enable and require a data processing system to be defined in terms of its computer programs, input requirements, output formats, administrative procedures, and processing frequencies.~~

Sec. 40. Minnesota Statutes 2020, section 16E.036, is amended to read:

16E.036 ADVISORY COMMITTEE COUNCIL.

(a) The Technology Advisory ~~Committee~~ Council is created to advise the governor, executive branch, and the state chief information officer. ~~The committee consists of council~~ shall consist of 15 voting members. The governor shall appoint six members appointed by the governor who are individuals actively involved in business planning for state executive branch agencies, one county member designated by the Association of Minnesota Counties, one member appointed by the governor as a representative of a union that represents state information technology employees, and one member appointed by the governor to represent private businesses. The governor shall also select six additional members with private-sector or public-sector IT experience or experience in academia pertaining to IT. The council shall have the following four ex officio nonvoting members:

(1) a member of the house of representatives selected by the speaker of the house;

(2) a member of the house of representatives selected by the minority leader of the house of representatives;

(3) a member of the senate selected by the majority leader of the senate; and

(4) a member of the senate selected by the minority leader of the senate.

The governor shall designate one of the 15 voting members to serve as the council's chair.

(b) Membership terms, removal of members, and filling of vacancies are as provided in section 15.059. Members do not receive compensation or reimbursement for expenses.

~~(c) The committee shall select a chair from its members. The chief information officer shall provide administrative support to the committee council.~~

(d) The ~~committee~~ council shall advise the chief information officer on:

(1) development and implementation of the state information technology strategic plan;

(2) critical information technology initiatives for the state;

(3) standards for state information architecture;

- 41.1 (4) identification of business and technical needs of state agencies;
- 41.2 (5) strategic information technology portfolio management, project prioritization, and
- 41.3 investment decisions;
- 41.4 (6) the ~~office's~~ department's performance measures and fees for service agreements with
- 41.5 executive branch agencies;
- 41.6 (7) management of the state MN.IT services revolving fund; and
- 41.7 (8) the efficient and effective operation of the ~~office~~ department.

41.8 Sec. 41. Minnesota Statutes 2020, section 16E.04, subdivision 3, is amended to read:

41.9 Subd. 3. **Risk assessment and mitigation.** (a) A risk assessment and risk mitigation

41.10 plan are required for all information systems development projects undertaken by a state

41.11 agency in the executive or judicial branch or by a constitutional officer. The chief information

41.12 officer must contract with an entity outside of state government to conduct the initial

41.13 assessment and prepare the mitigation plan for a project estimated to cost more than

41.14 \$5,000,000. The outside entity conducting the risk assessment and preparing the mitigation

41.15 plan must not have any other direct or indirect financial interest in the project. The risk

41.16 assessment and risk mitigation plan must provide for periodic monitoring by the

41.17 commissioner until the project is completed.

41.18 (b) The risk assessment and risk mitigation plan must be paid for with money appropriated

41.19 for the information and telecommunications technology project. ~~The chief information~~

41.20 ~~officer must notify the commissioner of management and budget when work has begun on~~

41.21 ~~a project and must identify the proposed budget for the project. The commissioner of~~

41.22 ~~management and budget shall ensure that no more than ten percent of the proposed budget~~

41.23 ~~be spent on the project, other than the money spent on the risk assessment and risk mitigation~~

41.24 ~~plan, is spent until the risk assessment and mitigation plan are reported to the chief~~

41.25 ~~information officer and the chief information officer has approved the risk mitigation plan.~~

41.26 Sec. 42. Minnesota Statutes 2020, section 16E.0465, subdivision 2, is amended to read:

41.27 Subd. 2. **Required review and approval.** (a) A state agency receiving an appropriation

41.28 for an information and telecommunications technology project subject to this section must

41.29 divide the project into phases.

41.30 (b) ~~The commissioner of management and budget may not authorize the~~ An encumbrance

41.31 ~~or expenditure of an appropriation of state funds to a state agency~~ may not be made for any

41.32 ~~phase of a state agency information and telecommunications technology project, device, or~~

42.1 ~~system~~ subject to this section unless the ~~Office of MN.IT~~ Minnesota Department of
42.2 Information Technology Services has reviewed each phase of the project, ~~device, or system,~~
42.3 and based on this review, the chief information officer has determined for each phase that:

42.4 (1) the project is compatible with the state information architecture and other policies
42.5 and standards established by the chief information officer;

42.6 (2) the agency is able to accomplish the goals of the phase of the project with the funds
42.7 appropriated; and

42.8 (3) the project supports the enterprise information technology strategy.

42.9 Sec. 43. Minnesota Statutes 2020, section 16E.05, subdivision 1, is amended to read:

42.10 Subdivision 1. **Duties.** The ~~office~~ department, in consultation with interested persons,
42.11 shall:

42.12 ~~(1) coordinate statewide efforts by units of state and local government to plan for and~~
42.13 ~~develop a system for providing access to government services; and~~

42.14 ~~(2)~~ explore ways and means to improve citizen and business access to public services,
42.15 including implementation of technological improvements.

42.16 Sec. 44. Minnesota Statutes 2020, section 16E.07, subdivision 12, is amended to read:

42.17 Subd. 12. **Private entity services; fee authority.** (a) The ~~office~~ department may enter
42.18 into a contract with a private entity to manage, maintain, support, and expand North Star
42.19 and online government information services to citizens and businesses.

42.20 (b) A contract established under paragraph (a) may provide for compensation of the
42.21 private entity through a fee established under paragraph (c).

42.22 (c) The ~~office~~ department, subject to the approval of the agency or ~~office~~ department
42.23 responsible for the data or services involved in the transaction, may charge and may authorize
42.24 a private entity that enters into a contract under paragraph (a) to charge a convenience fee
42.25 for users of North Star and online government information services up to a total of \$2 per
42.26 transaction, provided that no fee shall be charged for viewing or inspecting data. ~~The office~~
42.27 ~~shall consider the recommendation of the E-Government Advisory Council under section~~
42.28 ~~16E.071 in setting the convenience fee.~~ A fee established under this paragraph is in addition
42.29 to any fees or surcharges authorized under other law.

42.30 (d) Receipts from the convenience fee shall be deposited in the North Star account
42.31 established in subdivision 7. Notwithstanding section 16A.1285, subdivision 2, receipts

credited to the account are appropriated to the ~~office~~ department for payment to the contracted private entity under paragraph (a). In lieu of depositing the receipts in the North Star account, the ~~office~~ department can directly transfer the receipts to the private entity or allow the private entity to retain the receipts pursuant to a contract established under this subdivision.

(e) The ~~office~~ department shall report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over state government finance by January 15 of each odd-numbered year regarding the convenience fee receipts and the status of North Star projects and online government information services developed and supported by convenience fee receipts.

Sec. 45. Minnesota Statutes 2020, section 16E.21, subdivision 2, is amended to read:

Subd. 2. **Charges.** (a) Upon agreement of the participating agency, the ~~Office of MN.IT~~ Minnesota Department of Information Technology Services may collect a charge or receive a fund transfer under section 16E.0466 for purchases of information and telecommunications technology systems and services by state agencies and other governmental entities through state contracts for purposes described in subdivision 1. Charges collected under this section must be credited to the information and telecommunications technology systems and services account.

(b) Notwithstanding section 16A.28, subdivision 3, any unexpended operating balance appropriated to a state agency may be transferred to the information and telecommunications technology systems and services account for the information technology cost of a specific project, subject to the review of the Legislative Advisory Commission under section 16E.21, subdivision 3.

Sec. 46. [43A.3165] PROCUREMENT OF A PHARMACY BENEFIT MANAGER AND A PLATFORM TECHNOLOGY VENDOR.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

(b) "Market check" means a technology-driven evaluation of prescription drug pricing based on benchmarks derived from reverse auction processes conducted in the United States over the immediately preceding 12 months.

(c) "Pharmacy benefit management services" means:

(1) the procurement of prescription drugs at a negotiated rate for dispensation within the State Employees Group Insurance Program (SEGIP) to enrollees;

- 44.1 (2) the administration and management of the prescription drug benefit under SEGIP;
44.2 and
- 44.3 (3) any of the following services provided with regard to the administration and
44.4 management of the prescription drug benefit, including:
- 44.5 (i) mail service pharmacy;
- 44.6 (ii) claims processing, retail network management, and payment of claims to pharmacies
44.7 for prescription drugs dispensed to enrollees;
- 44.8 (iii) supplemental rebate contracting and administration;
- 44.9 (iv) patient compliance, therapeutic intervention, and generic substitution programs; or
- 44.10 (v) disease management programs.
- 44.11 (d) "Pharmacy benefit manager" has the meaning given in section 62W.02, subdivision
44.12 15, paragraph (a).
- 44.13 (e) "Price" means the projected cost of a bid for providing pharmacy benefit management
44.14 services over the duration of the contract.
- 44.15 (f) "Reverse auction" means an automated bidding process conducted online that starts
44.16 with an opening price and allows qualified bidders to counteroffer a lower price for multiple
44.17 rounds of bidding.
- 44.18 (g) "SEGIP" is the State Employees Group Insurance Program under section 43A.316,
44.19 provided to participants eligible under section 43A.24.
- 44.20 Subd. 2. **Purpose.** The purpose of this section is to optimize prescription drug savings
44.21 in SEGIP through:
- 44.22 (1) contracting with a pharmacy benefit manager to manage and administer the
44.23 prescription drug benefit for SEGIP;
- 44.24 (2) the adoption of a reverse auction process for the selection of a pharmacy benefit
44.25 manager;
- 44.26 (3) providing a process for the electronic review and validation of pharmacy benefit
44.27 manager claims invoices for the purpose of reconciling pharmacy bills;
- 44.28 (4) market checks of the pharmacy benefit manager's prescription drug pricing; and
- 44.29 (5) limiting independent pharmacies from unsustainable reimbursement practices.

45.1 Subd. 3. **Procurement of a pharmacy benefit manager.** (a) Notwithstanding any law
45.2 to the contrary, the commissioner of management and budget shall procure a contract for
45.3 the services of a pharmacy benefit manager to administer the prescription drug benefit and
45.4 pharmacy benefit management services for SEGIP participants, effective January 1, 2023.

45.5 (b) The commissioner shall conduct a reverse auction as described in this section to
45.6 select the pharmacy benefit manager.

45.7 (c) In consultation with the technology platform vendor selected under subdivision 4
45.8 and any recommendations offered by the Formulary Committee under section 256B.0625,
45.9 subdivision 13c, the commissioner shall specify the terms of a participant bidding agreement
45.10 that all bidders must accept as a prerequisite for participation in the reverse auction process,
45.11 including:

45.12 (1) common definitions;

45.13 (2) prescription drug classifications;

45.14 (3) retail pricing rules, including maximum allowable cost price lists and dispensing
45.15 fees; and

45.16 (4) any other contract terms the commissioner deems necessary to further the purpose
45.17 of this section as specified under subdivision 2.

45.18 (d) A pharmacy benefit manager that submits a bid under this subdivision must provide
45.19 the commissioner access to complete pharmacy claims data necessary for the commissioner
45.20 to conduct the reverse auction and to carry out administrative and management duties.

45.21 (e) The terms of any contract entered into under this subdivision shall not be modified
45.22 by the pharmacy benefit manager except with the approval of the commissioner.

45.23 (f) The commissioner may structure the contract awarded under this subdivision to pay
45.24 the cost of the technology platform and the associated professional services contracted for
45.25 under this subdivision by assessing a per-prescription fee to be paid directly by the pharmacy
45.26 benefit manager to the technology platform vendor.

45.27 (g) The commissioner must perform annual market checks on pharmacy benefit manager
45.28 services performed by the pharmacy benefit manager during the term of the contract. A
45.29 market check performed under this paragraph may include an evaluation of the effect of
45.30 alternative drug pricing metrics, such as the national average drug acquisition cost and
45.31 average wholesale price, on the cost of prescription drugs and savings to the state.

(h) The commissioner shall make regular, periodic payment of invoices within the time periods specified in the contract based on the automated adjudication of invoiced claims using the technology platform to validate that claims payments comply with the terms of the contract.

Subd. 4. **Technology platform vendor.** (a) Notwithstanding section 16C.08, at least three months before the reverse auction process is scheduled to be completed, the commissioner shall procure through a competitive bidding process a contract with a professional services vendor for a technology platform and any associated professional services necessary to operate the platform to:

(1) evaluate the qualifications of prospective pharmacy benefit manager bidders for the pharmacy benefit manager procurement;

(2) automatically adjudicate prescription drug claims; and

(3) collect data on pharmacy reimbursement.

(b) The platform procured under paragraph (a) must have the capability to:

(1) host and conduct an online automated reverse auction:

(i) using a software application and high-performance data infrastructure to intake, cleanse, and normalize pharmacy benefit manager data; and

(ii) with development methods and information security standards that have been validated by receiving Service Organization Control 2 (SOC 2) and National Institute of Standards and Technology certification;

(2) automate repricing of diverse and complex pharmacy benefit manager prescription drug pricing proposals to enable direct comparisons of the price of bids using all annual claims data available for the medical assistance program using code-based classification or prescription drugs from nationally accepted drug sources;

(3) simultaneously evaluate, within one hour, diverse and complex multiple proposals from full-service pharmacy benefit managers, including average wholesale price (AWP), guaranteed net cost, and National Average Drug Acquisition Cost (NADAC) pricing models, as well as proposals from pharmacy benefit administrators and specialty drug and rebate carve-out service providers;

(4) produce an automated report and analysis of bids, including ranking of bids on the comparative costs and qualitative aspects of the costs within one hour after the close of each round of reverse auction bidding; and

(5) after the close of the reverse auction process, perform an electronic, line-by-line, claim-by-claim review of all invoiced pharmacy benefit manager claims within one hour of receipt that allows for an online comparison of pharmacy benefit manager invoices, an audit of other services provided by the pharmacy benefit manager services, and identifies all deviations from the specific terms of the services contract resulting from the reverse auction.

(c) The commissioner shall not award the platform technology vendor contract under this subdivision to:

(1) a pharmacy benefit manager;

(2) a subsidiary or affiliate of a pharmacy benefit manager; or

(3) a vendor that is managed by a pharmacy benefit manager or receives, directly or indirectly, remuneration from a pharmacy benefit manager for aggregating clients into a contractual relationship with a pharmacy benefit manager.

(d) The vendor that is awarded the contract under this subdivision must not subcontract any part of the reverse auction process or the review described under paragraph (b), clause (5).

Sec. 47. Minnesota Statutes 2020, section 97A.057, subdivision 1, is amended to read:

Subdivision 1. **Compliance with federal law.** The commissioner shall take any action necessary to comply with the Federal Aid in Wildlife Restoration Act, United States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act, United States Code, title 16, sections 777 to 777k. Notwithstanding ~~section 16E.145 or any other law to the contrary,~~ an appropriation for an information or telecommunications technology project from the game and fish fund, as established in section 97A.055, must be made to the commissioner. Any assets acquired with or expenditures made from the game and fish fund must remain under control of the commissioner.

Sec. 48. Minnesota Statutes 2020, section 138.081, subdivision 1, is amended to read:

Subdivision 1. **Department of Administration as agency to accept federal funds.** The Department of Administration is hereby designated the state agency with power to accept any and all money provided for or made available to this state by the United States of America or any department or agency thereof for surveys, restoration, construction, equipping, or other purposes relating to the State Historic ~~sites~~ Preservation Program in accordance with the provisions of federal law and any rules or regulations promulgated

48.1 thereunder and are further authorized to do any and all things required of this state by such
48.2 federal law and the rules and regulations promulgated thereunder in order to obtain such
48.3 federal money.

48.4 Sec. 49. Minnesota Statutes 2020, section 138.081, subdivision 2, is amended to read:

48.5 Subd. 2. **Commissioner's responsibilities.** The commissioner as the state historic
48.6 preservation officer shall be responsible for the preparation, implementation and
48.7 administration of the State Historic Preservation Plan and shall administer the State Historic
48.8 Preservation Program authorized by the National Historic Preservation Act (United States
48.9 Code, title ~~16~~ 54, section ~~470~~ 300101 et seq. ~~as amended~~). The commissioner shall review
48.10 and approve in writing all grants-in-aid for architectural, archaeological and historic
48.11 preservation made by state agencies and funded by the state or a combination of state and
48.12 federal funds in accordance with the State Historic Preservation Program.

48.13 Sec. 50. Minnesota Statutes 2020, section 138.081, subdivision 3, is amended to read:

48.14 Subd. 3. **Administration of federal act.** The Department of Administration is designated
48.15 as the state agency to administer the provisions of the federal act providing for the
48.16 preservation of historical and archaeological data, United States Code, title ~~16~~, sections ~~469~~
48.17 ~~to 469C~~ 54, section 312501, as amended, insofar as the provisions of the act provide for
48.18 implementation by the state.

48.19 Sec. 51. Minnesota Statutes 2020, section 138.31, is amended by adding a subdivision to
48.20 read:

48.21 Subd. 13a. **State Historic Preservation Office.** "State Historic Preservation Office"
48.22 means the State Historic Preservation Office at the Department of Administration.

48.23 Sec. 52. Minnesota Statutes 2020, section 138.34, is amended to read:

48.24 **138.34 ADMINISTRATION OF THE ACT.**

48.25 The state archaeologist shall act as the agent of the state to administer and enforce the
48.26 provisions of sections 138.31 to 138.42. Some enforcement provisions are shared with the
48.27 society and the State Historic Preservation Office.

49.1 Sec. 53. Minnesota Statutes 2020, section 138.38, is amended to read:

49.2 **138.38 REPORTS OF STATE ARCHAEOLOGIST.**

49.3 The state archaeologist shall consult with and keep the Indian Affairs Council ~~and~~ the
49.4 director of the historical society, and the State Historic Preservation Office informed as to
49.5 significant field archaeology, projected or in progress, and as to significant discoveries
49.6 made. Annually, and also upon leaving office, the state archaeologist shall file with the
49.7 commissioner a full report of the office's activities including a summary of the activities of
49.8 licensees, from the date of the last full report of the state archaeologist. Copies of the report
49.9 must be sent upon completion to the Minnesota Historical Society ~~and~~ the Indian Affairs
49.10 Council, and the State Historic Preservation Office, and made available to other interested
49.11 parties.

49.12 Sec. 54. Minnesota Statutes 2020, section 138.40, is amended to read:

49.13 **138.40 COOPERATION OF STATE AGENCIES; DEVELOPMENT PLANS.**

49.14 Subdivision 1. **Cooperation.** The Department of Natural Resources, the Department of
49.15 Transportation, and all other state agencies whose activities may be affected, shall cooperate
49.16 with the historical society, the State Historic Preservation Office, and the state archaeologist
49.17 to carry out the provisions of sections 138.31 to 138.42 and the rules issued thereunder, but
49.18 sections 138.31 to 138.42 are not meant to burden persons who wish to use state property
49.19 for recreational and other lawful purposes or to unnecessarily restrict the use of state property.

49.20 Subd. 2. **Compliance, enforcement, preservation.** State and other governmental agencies
49.21 shall comply with and aid in the enforcement of provisions of sections 138.31 to 138.42.
49.22 Conservation officers and other enforcement officers of the Department of Natural Resources
49.23 shall enforce the provisions of sections 138.31 to 138.42 and report violations to the ~~director~~
49.24 ~~of the society~~ state archeologist. When archaeological or historic sites are known or, based
49.25 on scientific investigations are predicted to exist on public lands or waters, the agency or
49.26 department controlling said lands or waters shall use the professional services of
49.27 archaeologists from the University of Minnesota, Minnesota Historical Society, or other
49.28 qualified professional archaeologists, to preserve these sites. In the event that archaeological
49.29 excavation is required to protect or preserve these sites, state and other governmental agencies
49.30 may use their funds for such activities.

49.31 Subd. 3. **Review of plans.** When significant archaeological or historic sites are known
49.32 or, based on scientific investigations, are predicted to exist on public lands or waters, the
49.33 agency or department controlling said lands or waters shall submit construction or

development plans to the state archaeologist and the ~~director of the society~~ State Historic Preservation Office for review prior to the time bids are advertised. The state archaeologist and the ~~society~~ State Historic Preservation Office shall promptly review such plans and within 30 days of receiving the plans shall make recommendations for the preservation of archaeological or historic sites which may be endangered by construction or development activities. When archaeological or historic sites are related to Indian history or religion, the state archaeologist shall submit the plans to the Indian Affairs Council for the council's review and recommend action.

Sec. 55. Minnesota Statutes 2020, section 138.661, subdivision 2, is amended to read:

Subd. 2. **Authority for property owned by the Historical Society.** The Minnesota Historical Society shall exercise the administration and control of the sites in section 138.662 ~~other than the Minnesota State Capitol~~ that are owned by the Minnesota Historical Society, preserve their historic features, conduct archaeological investigations, establish necessary interpretive centers, and perform additional duties and services at the sites necessary to meet their educational mission. ~~Ownership of the properties is either by the state or the Minnesota Historical Society.~~ The Minnesota Historical Society may contract with existing state departments and agencies for materials and services, including utility services, necessary for the administration and maintenance of the sites listed in section 138.662 that are owned by the Minnesota Historical Society. The authority of the commissioner of natural resources to administer and control the historic sites enumerated in section 138.662 that are owned by the Minnesota Historical Society is withdrawn, and is conferred upon the Minnesota Historical Society. ~~The commissioner of natural resources shall continue to administer and control the state parks enumerated in this section excepting the portions designated as historic sites, the administration and control of which is by this section vested in the Minnesota Historical Society.~~

Sec. 56. Minnesota Statutes 2020, section 138.661, is amended by adding a subdivision to read:

Subd. 2a. **Authority for property owned by the state.** The State Historic Preservation Office shall exercise the administration and control of the sites in section 138.662 that are owned by the state, preserve their historic features, conduct archaeological investigations, establish necessary interpretive centers, and perform additional duties and services at the sites necessary to meet their educational mission. The State Historic Preservation Office may contract with existing state departments and agencies for materials and services, including utility services, necessary for the administration and maintenance of the sites

51.1 listed in section 138.662 that are owned by the state. The authority of the commissioner of
51.2 natural resources to administer and control the historic sites enumerated in section 138.662
51.3 that are owned by the state is withdrawn, and is conferred upon the State Historic Preservation
51.4 Office. The commissioner of natural resources shall continue to administer and control the
51.5 state parks enumerated in this section excepting the portions designated as historic sites,
51.6 the administration and control of which is by this section vested in the State Historic
51.7 Preservation Office.

51.8 Sec. 57. Minnesota Statutes 2020, section 138.665, subdivision 2, is amended to read:

51.9 Subd. 2. **Mediation.** The state, state departments, agencies, and political subdivisions,
51.10 including the Board of Regents of the University of Minnesota, have a responsibility to
51.11 protect the physical features and historic character of properties designated in sections
51.12 138.662 and 138.664 or listed on the National Register of Historic Places created by Public
51.13 Law 89-665. Before carrying out any undertaking that will affect designated or listed
51.14 properties, or funding or licensing an undertaking by other parties, or conveying state-owned
51.15 designated or listed property, the state department or agency shall consult with the State
51.16 Historic Preservation Office pursuant to the ~~society's~~ State Historic Preservation Office's
51.17 established procedures to determine appropriate treatments and to seek ways to avoid and
51.18 mitigate any adverse effects on designated or listed properties. If the state department or
51.19 agency and the State Historic Preservation Office agree in writing on a suitable course of
51.20 action, the project may proceed. If the parties cannot agree, any one of the parties may
51.21 request that the governor appoint and convene a mediation task force consisting of five
51.22 members, two appointed by the governor, the chair of the State Review Board of the State
51.23 Historic Preservation Office, the commissioner of administration or the commissioner's
51.24 designee, and one member who is not an employee of the Minnesota Historical Society
51.25 appointed by the director of the Minnesota Historical Society. The two appointees of the
51.26 governor and ~~the one~~ of the director of the society shall be qualified by training or experience
51.27 in one or more of the following disciplines: (1) history; (2) archaeology; and (3) architectural
51.28 history. The mediation task force is not subject to the conditions of section 15.059. This
51.29 subdivision does not apply to section 138.662, subdivision 24, and section 138.664,
51.30 subdivisions 8 and 111.

52.1 Sec. 58. Minnesota Statutes 2020, section 138.666, is amended to read:

52.2 **138.666 COOPERATION.**

52.3 The state, state departments and agencies, political subdivisions, and the Board of Regents
52.4 of the University of Minnesota shall cooperate with the Minnesota Historical Society and
52.5 the State Historic Preservation Office in safeguarding state historic sites and in the
52.6 preservation of historic and archaeological properties.

52.7 Sec. 59. Minnesota Statutes 2020, section 138.667, is amended to read:

52.8 **138.667 HISTORIC PROPERTIES; CHANGES.**

52.9 Properties designated as historic properties by sections 138.661 to 138.664 may be
52.10 changed from time to time, and the Minnesota Historical Society and the State Historic
52.11 Preservation Office shall notify the legislature of the need for changes, and shall make
52.12 recommendations to keep the state historic sites network and the state register of historic
52.13 places current and complete. The significance of properties proposed for designation under
52.14 section 138.663, subdivision 2, shall be documented under the documentation standards
52.15 established by the ~~Minnesota Historical Society.~~ This State Historic Preservation Office.
52.16 documentation shall include the opinion of the Minnesota Historical Society for the historic
52.17 sites network under section 138.661, subdivision 3, and the State Historic Preservation
52.18 Office for the state register of historic places under section 138.663, subdivision 2, as to
52.19 whether the property meets the selection criteria.

52.20 Sec. 60. **[138.6675] UNITED STATES AND MINNESOTA FLAGS.**

52.21 At every historic site owned by the state, a United States flag and a Minnesota state flag
52.22 must be displayed on a flag pole on the grounds of the site, or outside a building on the site
52.23 on proper staffs. The State Historic Preservation Office must display the flags in a prominent
52.24 place and in a manner consistent with the United States Flag Code.

52.25 **EFFECTIVE DATE.** This section is effective July 1, 2024, except that the State Historic
52.26 Preservation Office must install flag poles and staffs and display flags as funding becomes
52.27 available for this purpose.

52.28 Sec. 61. Minnesota Statutes 2020, section 138.669, is amended to read:

52.29 **138.669 CONTRACTS FOR HISTORIC SITE MANAGEMENT.**

52.30 The ~~Minnesota Historical Society~~ State Historic Preservation Office may contract with
52.31 a county, municipality, or a county or local historical society for the management and

operation of sites in the state historic site network. Notwithstanding section 138.668, the contract may provide for the retention of admission fees received by the management unit and for grants-in-aid to the management unit for use in the site's operation and maintenance.

EFFECTIVE DATE. This section is effective July 1, 2021, and applies to contracts executed on or after that date.

Sec. 62. Minnesota Statutes 2020, section 138.763, subdivision 1, is amended to read:

Subdivision 1. **Membership.** There is a St. Anthony Falls Heritage Board consisting of 22 members with the director of the Minnesota Historical Society as chair. The members include the mayor; the chair of the Hennepin County Board of Commissioners or the chair's designee; the president of the Minneapolis Park and Recreation Board or the president's designee; the superintendent of the park board; two members each from the house of representatives appointed by the speaker, the senate appointed by the Rules Committee, the city council, the Hennepin County Board, and the park board; one member each from the preservation commission, the State Historic Preservation Office, Hennepin County Historical Society, and the society; one person appointed by the park board; and two persons appointed by the chair of the board.

Sec. 63. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision to read:

Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of health.

Sec. 64. Minnesota Statutes 2020, section 155A.23, subdivision 16, is amended to read:

Subd. 16. **School manager.** A "school manager" is ~~a cosmetologist who is a salon manager and~~ who has a school manager license. A school manager must maintain an active salon manager's license.

Sec. 65. Minnesota Statutes 2020, section 155A.271, subdivision 2, is amended to read:

Subd. 2. **Continuing education providers.** (a) Only a ~~board-licensed~~ school of cosmetology licensed under this chapter, a postsecondary institution as defined in section 136A.103, paragraph (a), or a ~~board-recognized~~ professional association organized under chapter 317A may be approved by the ~~board~~ commissioner to offer continuing education for credit under subdivision 1, paragraph (a). Continuing education under subdivision 1, paragraph (b), may be offered by a:

(1) ~~board-licensed~~ school of cosmetology licensed under this chapter;

54.1 (2) ~~board-recognized~~ professional association organized under chapter 317A; or

54.2 (3) ~~board-licensed~~ salon licensed under this chapter.

54.3 An approved school or professional association may offer web-based continuing education
54.4 instruction to achieve maximum involvement of licensees. Continuing education providers
54.5 are encouraged to offer classes available in foreign language formats.

54.6 (b) ~~Board~~ Commissioner approval of any continuing education provider is valid for one
54.7 calendar year and is contingent upon submission and preapproval of the lesson plan or plans
54.8 with learning objectives for the class to be offered and the payment of the application fee
54.9 in section 155A.25, subdivision 1a, paragraph (d), clause (10). The ~~board~~ commissioner
54.10 shall maintain a list of approved providers and courses on the ~~board's~~ Department of Health's
54.11 website. The ~~board~~ commissioner may revoke authorization of a continuing education
54.12 provider at any time for just cause and the ~~board~~ commissioner may demand return of
54.13 documents required under subdivision 3.

54.14 Sec. 66. Minnesota Statutes 2020, section 179A.20, is amended by adding a subdivision
54.15 to read:

54.16 Subd. 2b. **Limited by appropriation.** A public employer must not contract to pay more
54.17 to employees in compensation and benefits in a biennium than is permitted under the first
54.18 spending plan submitted by July 31 in an odd-numbered year and approved by the
54.19 commissioner under section 16A.14, subdivisions 3 and 4.

54.20 Sec. 67. Minnesota Statutes 2020, section 214.01, subdivision 3, is amended to read:

54.21 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board"
54.22 means the Professional Educator Licensing and Standards Board established pursuant to
54.23 section 122A.07, the Board of Barber Examiners established pursuant to section 154.001,
54.24 ~~the Board of Cosmetologist Examiners established pursuant to section 155A.20~~, the Board
54.25 of Assessors established pursuant to section 270.41, the Board of Architecture, Engineering,
54.26 Land Surveying, Landscape Architecture, Geoscience, and Interior Design established
54.27 pursuant to section 326.04, the Private Detective and Protective Agent Licensing Board
54.28 established pursuant to section 326.33, the Board of Accountancy established pursuant to
54.29 section 326A.02, and the Peace Officer Standards and Training Board established pursuant
54.30 to section 626.841.

55.1 Sec. 68. Minnesota Statutes 2020, section 349.15, subdivision 1, is amended to read:

55.2 Subdivision 1. **Expenditure restrictions, requirements, and civil penalties.** (a) Gross
55.3 profits from lawful gambling may be expended only for lawful purposes or allowable
55.4 expenses as authorized by the membership of the conducting organization at a monthly
55.5 meeting of the organization's membership.

55.6 (b) For each 12-month period beginning July 1, a licensed organization will be evaluated
55.7 by the board to determine a rating based on the percentage of annual lawful purpose
55.8 expenditures, excluding those expenditures defined in section 349.12, subdivision 25,
55.9 paragraph (a), clauses (8) and (18), when compared to available gross profits total allowable
55.10 expenses for the same period. The rating will be used to determine the organization's
55.11 profitability percent and is not a rating of the organization's lawful gambling operation. An
55.12 organization will be evaluated according to the following criteria:

55.13 (1) an organization ~~that expends 50~~ with a ratio of lawful purpose expenditures to
55.14 allowable expenses of 100 percent or more ~~of gross profits on lawful purposes~~ will receive
55.15 a five-star rating;

55.16 (2) an organization ~~that expends 40~~ with a ratio of lawful purpose expenditures to
55.17 allowable expenses of 80 percent or more but less than ~~50~~ 100 percent ~~of gross profits on~~
55.18 ~~lawful purposes~~ will receive a four-star rating;

55.19 (3) an organization ~~that expends 30~~ with a ratio of lawful purpose expenditures to
55.20 allowable expenses of 60 percent or more but less than ~~40~~ 80 percent ~~of gross profits on~~
55.21 ~~lawful purposes~~ will receive a three-star rating;

55.22 (4) an organization ~~that expends 20~~ with a ratio of lawful purpose expenditures to
55.23 allowable expenses of 40 percent or more but less than ~~30~~ 60 percent ~~of gross profits on~~
55.24 ~~lawful purposes~~ will receive a two-star rating; and

55.25 (5) an organization ~~that expends less than~~ with a ratio of lawful purpose expenditures
55.26 to allowable expenses of 20 percent ~~of gross profits on lawful purposes~~ or more but less
55.27 than 40 percent will receive a one-star rating; and

55.28 (6) an organization with a ratio of lawful purpose expenditures to allowable expenses
55.29 of less than 20 percent will receive a zero-star rating.

55.30 (c) An organization that is licensed under this chapter with gross receipts from lawful
55.31 gambling of more than \$750,000 in any fiscal year and fails to expend a minimum of ~~30~~ 20
55.32 percent ~~annually of gross profits~~ of its annual total allowable expenses on lawful purposes;
55.33 ~~or 20 percent annually for organizations that conduct lawful gambling in a location where~~

~~the primary business is bingo~~, is automatically on probation effective July 1 for a period of one year. The organization must increase its rating to the required minimum or be subject to sanctions by the board. If an organization fails to meet the minimum after a one-year probation, the board may suspend the organization's license or impose a civil penalty as follows:

(1) in determining any suspension or penalty for a violation of this paragraph, the board must consider any unique factors or extraordinary circumstances that caused the organization to not meet the minimum rate of profitability. Unique factors or extraordinary circumstances include, but are not limited to, the purchase of capital assets necessary to conduct lawful gambling; road or other construction causing impaired access to the lawful gambling premises; and flood, tornado, or other catastrophe that had a direct impact on the continuing lawful gambling operation; and

(2) notwithstanding section 349.151, subdivision 4, paragraph (a), clause (10), the board may impose a civil penalty under this subdivision up to \$10,000.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 69. Minnesota Statutes 2020, section 349.151, subdivision 2, is amended to read:

Subd. 2. **Membership.** (a) The board consists of seven members, as follows: (1) five members appointed by the governor; (2) one member appointed by the commissioner of public safety; and (3) one member appointed by the attorney general.

(b) All appointments under this subdivision are with the advice and consent of the senate.

(c) ~~After expiration of the initial terms,~~ Appointments are for four years. A member may continue holding office until a successor is appointed unless, prior to the expiration of the member's term, the appointing authority notifies the board that a member's appointment may not be extended.

(d) The board shall select one of its members to serve as chair. No more than three members appointed by the governor under this subdivision may belong to the same political party.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 70. Minnesota Statutes 2020, section 349A.08, subdivision 9, is amended to read:

Subd. 9. **Privacy.** (a) The name, phone number, and street address of a winner of a lottery prize is private data on individuals under chapter 13.

57.1 (b) Data on an individual, including name, physical and electronic address, and telephone
57.2 number, that are given to the lottery for direct marketing purposes are private data on
57.3 individuals as defined in section 13.02. For purposes of this subdivision, "direct marketing"
57.4 means marketing conducted by the lottery directly with the consumer.

57.5 Sec. 71. Minnesota Statutes 2020, section 353.27, subdivision 3c, is amended to read:

57.6 Subd. 3c. **Former MERF members; member and employer contributions.** (a) For
57.7 the period July 1, 2019, through December 31, 2031, the member contributions for former
57.8 members of the Minneapolis Employees Retirement Fund and by the former Minneapolis
57.9 Employees Retirement Fund-covered employing units are governed by this subdivision.

57.10 (b) The member contribution for a public employee who was a member of the former
57.11 Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75 percent of the salary of
57.12 the employee.

57.13 (c) The employer regular contribution with respect to a public employee who was a
57.14 member of the former Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75
57.15 percent of the salary of the employee.

57.16 (d) The annual employer supplemental contribution is the employing unit's share of
57.17 ~~\$21,000,000~~ \$31,000,000.

57.18 (e) Each employing unit's share under paragraph (d) is the amount determined from an
57.19 allocation between each employing unit in the portion equal to the unit's employer
57.20 supplemental contribution paid or payable under Minnesota Statutes 2012, section 353.50,
57.21 during calendar year 2014.

57.22 (f) The employer supplemental contribution amount under paragraph (d) for calendar
57.23 year 2019 must be invoiced by the executive director of the Public Employees Retirement
57.24 Association by July 1, 2019. For subsequent calendar years, the employer supplemental
57.25 contribution under paragraph (d) must be invoiced on January 31 of each year. The employer
57.26 supplemental contribution is payable in two parts, with the first half payable on or before
57.27 July 31 and with the second half payable on or before December 15. Late payments are
57.28 payable with interest, compounded annually, at the applicable rate or rates specified in
57.29 section 356.59, subdivision 3, per month for each month or portion of a month that has
57.30 elapsed after the due date.

57.31 (g) The employer supplemental contribution under paragraph (d) terminates on December
57.32 31, 2031.

58.1 Sec. 72. Minnesota Statutes 2020, section 353.505, is amended to read:

58.2 **353.505 STATE CONTRIBUTIONS; FORMER MERF DIVISION.**

58.3 (a) On September 15, 2019, and annually thereafter, the state shall pay to the general
58.4 employees retirement plan of the Public Employees Retirement Association, with respect
58.5 to the former MERF division, ~~\$16,000,000~~ \$6,000,000.

58.6 (b) State contributions under this section end on September 15, 2031.

58.7 (c) The commissioner of management and budget shall pay the contribution specified
58.8 in this section. The amount required is appropriated annually from the general fund to the
58.9 commissioner of management and budget.

58.10 Sec. 73. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

58.11 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
58.12 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
58.13 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
58.14 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
58.15 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
58.16 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
58.17 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
58.18 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
58.19 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. Each calendar
58.20 year, \$500,000 of this appropriation shall be retained by the commissioner of revenue to
58.21 make reimbursements to the commissioner of management and budget for payments made
58.22 under section 611.27. The reimbursements shall be to defray the additional costs associated
58.23 with court-ordered counsel under section 611.27. Any retained amounts not used for
58.24 reimbursement in a year shall be included in the next distribution of county need aid that
58.25 is certified to the county auditors for the purpose of property tax reduction for the next taxes
58.26 payable year.

58.27 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
58.28 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
58.29 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
58.30 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
58.31 transfer to the ~~commissioner of management and budget~~ Legislative Budget Office \$207,000
58.32 annually for the cost of preparation of local impact notes as required by section 3.987, and
58.33 other local government activities. The commissioner of revenue shall transfer to the

commissioner of education \$7,000 annually for the cost of preparation of local impact notes for school districts as required by section 3.987. The commissioner of revenue shall deduct the amounts transferred under this paragraph from the appropriation under this paragraph. The amounts transferred are appropriated to the commissioner of management and budget and the commissioner of education respectively.

Sec. 74. Minnesota Statutes 2020, section 645.071, is amended to read:

645.071 STANDARD OF TIME.

Every mention of, or reference to, any hour or time in any law, during any period of the year, is to be construed with reference to and in accordance with the ~~standard time or~~ advanced standard time provided by federal law. No department of the state government and no county, city or town shall employ, during any period of the year, any other time, or adopt any ordinance or order providing for the use, during any period of the year, of any other time than the federal ~~standard time or~~ advanced standard time.

EFFECTIVE DATE. This section is effective upon the first commencement of advanced standard time, also known as daylight saving time, following enactment of an amendment to United States Code, title 15, section 260a, or another applicable law, which authorizes states to observe advanced standard time year-round.

Sec. 75. **FEDERAL FUNDS; SUSPENSION OF STATUTORY APPROPRIATION.**

Notwithstanding Minnesota Statutes, sections 3.3005 and 4.07, or any other appropriation of federal funds, any federal funds received by the state of Minnesota for COVID-19 between the effective date of this act and June 30, 2022, must not be spent except pursuant to a direct appropriation by law. This section does not apply to appropriations of federal funds under Laws 2020, Seventh Special Session chapter 2, article 7.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 76. **VIOLATION OF EXECUTIVE ORDERS DURING A PEACETIME EMERGENCY.**

Notwithstanding any other law to the contrary, no board or agency, including agencies that issue licenses, may impose additional penalties on a business for a violation of an executive order issued in response to the spread of COVID-19, pursuant to Minnesota Statutes, section 12.21 or 12.31, beyond the penalties imposed by the executive orders.

EFFECTIVE DATE. This section is effective the day following final enactment.

60.1 Sec. 77. **REDUCTION IN APPROPRIATIONS FOR UNFILLED POSITIONS.**

60.2 **Subdivision 1. Reduction required.** The general fund and nongeneral fund appropriations
60.3 to an executive branch state agency for agency operations for the biennium ending June 30,
60.4 2023, are reduced by the amount for salary and benefits savings that results from any
60.5 positions that have not been filled within 180 days of the initial posting of the position.
60.6 "Agency" as used in this section has the meaning given in Minnesota Statutes, section
60.7 16A.011, subdivision 12a, but does not include Minnesota State Colleges and Universities.
60.8 This section applies only to positions that are posted in fiscal years 2021, 2022, and 2023.
60.9 Reductions made under this subdivision must be reflected as reductions in agency base
60.10 budgets for fiscal years 2024 and 2025. This section does not apply to:

60.11 (1) any position within the Department of Public Safety;

60.12 (2) any position that requires law enforcement training; or

60.13 (3) any other public safety position.

60.14 **Subd. 2. Reporting.** The commissioner of management and budget must report to the
60.15 chairs and ranking minority members of the senate and the house of representatives finance
60.16 committees regarding the amount of reductions in spending by each agency under this
60.17 section.

60.18 Sec. 78. **OBSOLETE RULES REPORT MUST DESCRIBE CURRENT GRANTS**
60.19 **OF RULEMAKING AUTHORITY.**

60.20 (a) As part of its obsolete rules report due December 1, 2021, each agency must list all
60.21 current grants of rulemaking authority provided to the agency by law. The list must include
60.22 a citation to the applicable law, a citation to any current rules adopted under the authority
60.23 provided by that law, and describe, in the agency's view, whether the grant of authority
60.24 complies with the provisions of Minnesota Statutes, section 14.05, subdivision 1, that permit
60.25 adoption of rules only under a specific grant of rulemaking authority. A grant of rulemaking
60.26 authority is presumed invalid for purposes of adopting future rules if the authority is not
60.27 cited in the report required by this section.

60.28 (b) The requirements of this section are in addition to the ongoing requirements for the
60.29 obsolete rules report provided by Minnesota Statutes, section 14.05, subdivision 5.

61.1 Sec. 79. **FIRST APPOINTMENTS AND FIRST MEETING OF LEGISLATIVE**
61.2 **COMMISSION ON CYBERSECURITY.**

61.3 Subdivision 1. **First appointments.** Appointing authorities must make initial
61.4 appointments to the Legislative Commission on Cybersecurity within 60 days after final
61.5 enactment. These members serve a term that expires on appointment of a successor after
61.6 the start of the next regular session of the legislature in 2023.

61.7 Subd. 2. **First meeting.** The majority leader of the senate shall designate one senate
61.8 member of the Legislative Commission on Cybersecurity under Minnesota Statutes, section
61.9 3.888, to convene the first meeting within 105 days after final enactment. The commission
61.10 must select a chair from among the senate members at the first meeting.

61.11 Subd. 3. **Meetings in 2021.** Notwithstanding Minnesota Statutes, section 3.888,
61.12 subdivision 5, the commission must meet at least twice in 2021.

61.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.14 Sec. 80. **DESIGNATION AND SALE OF SURPLUS STATE-OWNED REAL**
61.15 **PROPERTY; ST. PAUL.**

61.16 (a) For purposes of this act, "L'Orient Street property" means the real property located
61.17 at 1415 L'Orient Street in the city of St. Paul that was acquired by the state using money
61.18 appropriated from the COVID-19 Minnesota fund in accordance with the Legislative
61.19 COVID-19 Response Commission, Action Order number 13, signed by the commissioner
61.20 of management and budget May 7, 2020.

61.21 (b) The commissioner of administration must designate the L'Orient Street property as
61.22 surplus and dispose of the property in accordance with Minnesota Statutes, sections 16B.281
61.23 to 16B.287.

61.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.25 Sec. 81. **REQUIRING REPAIR AND RETURN OF COLUMBUS STATUE.**

61.26 The commissioner of administration shall repair the statue of Christopher Columbus
61.27 and its pedestal that was illegally removed from its place on the Capitol grounds in the
61.28 summer of 2020. Notwithstanding any process in law for approving the installation of
61.29 memorials or artwork on the Capitol grounds, the commissioner must reinstall the statue in
61.30 its former location on the Capitol grounds on the same pedestal with the same signage as
61.31 before its removal.

- 63.1 (1) payment for accounting and legal services;
- 63.2 (2) return of a contribution to the source;
- 63.3 (3) repayment of a loan made to the principal campaign committee by that committee;
- 63.4 (4) return of a public subsidy;
- 63.5 (5) payment for food, beverages, and necessary utensils and supplies, entertainment,
- 63.6 and facility rental for a fund-raising event;
- 63.7 (6) services for a constituent by a member of the legislature or a constitutional officer
- 63.8 in the executive branch as provided in section 10A.173, subdivision 1;
- 63.9 (7) payment for food and beverages consumed by a candidate or volunteers while they
- 63.10 are engaged in campaign activities;
- 63.11 (8) payment for food or a beverage consumed while attending a reception or meeting
- 63.12 directly related to legislative duties;
- 63.13 (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus
- 63.14 in carrying out their leadership responsibilities;
- 63.15 (10) payment by a principal campaign committee of the candidate's expenses for serving
- 63.16 in public office, other than for personal uses;
- 63.17 (11) costs of child care for the candidate's children when campaigning;
- 63.18 (12) fees paid to attend a campaign school;
- 63.19 (13) costs of a postelection party during the election year when a candidate's name will
- 63.20 no longer appear on a ballot or the general election is concluded, whichever occurs first;
- 63.21 (14) interest on loans paid by a principal campaign committee on outstanding loans;
- 63.22 (15) filing fees;
- 63.23 (16) post-general election holiday or seasonal cards, thank-you notes, or advertisements
- 63.24 in the news media mailed or published prior to the end of the election cycle;
- 63.25 (17) the cost of campaign material purchased to replace defective campaign material, if
- 63.26 the defective material is destroyed without being used;
- 63.27 (18) contributions to a party unit;
- 63.28 (19) payments for funeral gifts or memorials;
- 63.29 (20) the cost of a magnet less than six inches in diameter containing legislator contact
- 63.30 information and distributed to constituents;

64.1 (21) costs associated with a candidate attending a political party state or national
64.2 convention in this state;

64.3 (22) other purchases or payments specified in board rules or advisory opinions as being
64.4 for any purpose other than to influence the nomination or election of a candidate or to
64.5 promote or defeat a ballot question;

64.6 (23) costs paid to a third party for processing contributions made by a credit card, debit
64.7 card, or electronic check;

64.8 (24) a contribution to a fund established to support a candidate's participation in a recount
64.9 of ballots affecting that candidate's election;

64.10 (25) costs paid by a candidate's principal campaign committee for a single reception
64.11 given in honor of the candidate's retirement from public office after the filing period for
64.12 affidavits of candidacy for that office has closed;

64.13 (26) a donation from a terminating principal campaign committee to the state general
64.14 fund; ~~and~~

64.15 (27) a donation from a terminating principal campaign committee to a county obligated
64.16 to incur special election expenses due to that candidate's resignation from state office; and

64.17 (28) during a period starting January 1 in the year following a general election and ending
64.18 on December 31 of the year of general election, total payments of up to \$2,000 for security
64.19 expenses for a candidate, including home security hardware, maintenance of home security
64.20 hardware, identity theft monitoring services, and credit monitoring services.

64.21 (b) The board must determine whether an activity involves a noncampaign disbursement
64.22 within the meaning of this subdivision.

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

64.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
64.27 applies to payments made on or after January 1, 2021.

64.28 Sec. 2. Minnesota Statutes 2020, section 10A.01, subdivision 35, is amended to read:

64.29 Subd. 35. **Public official.** "Public official" means any:

64.30 (1) member of the legislature;

65.1 (2) individual employed by the legislature as secretary of the senate, legislative auditor,
65.2 director of the Legislative Budget Office, chief clerk of the house of representatives, revisor
65.3 of statutes, or researcher, legislative analyst, fiscal analyst, or attorney in the Office of
65.4 Senate Counsel, Research and Fiscal Analysis, House Research, or the House Fiscal Analysis
65.5 Department;

65.6 (3) constitutional officer in the executive branch and the officer's chief administrative
65.7 deputy;

65.8 (4) solicitor general or deputy, assistant, or special assistant attorney general;

65.9 (5) commissioner, deputy commissioner, or assistant commissioner of any state
65.10 department or agency as listed in section 15.01 or 15.06, or the state chief information
65.11 officer;

65.12 (6) member, chief administrative officer, or deputy chief administrative officer of a state
65.13 board or commission that has either the power to adopt, amend, or repeal rules under chapter
65.14 14, or the power to adjudicate contested cases or appeals under chapter 14;

65.15 (7) individual employed in the executive branch who is authorized to adopt, amend, or
65.16 repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

65.17 (8) executive director of the State Board of Investment;

65.18 (9) deputy of any official listed in clauses (7) and (8);

65.19 (10) judge of the Workers' Compensation Court of Appeals;

65.20 (11) administrative law judge or compensation judge in the State Office of Administrative
65.21 Hearings or unemployment law judge in the Department of Employment and Economic
65.22 Development;

65.23 (12) member, regional administrator, division director, general counsel, or operations
65.24 manager of the Metropolitan Council;

65.25 (13) member or chief administrator of a metropolitan agency;

65.26 (14) director of the Division of Alcohol and Gambling Enforcement in the Department
65.27 of Public Safety;

65.28 (15) member or executive director of the Higher Education Facilities Authority;

65.29 (16) member of the board of directors or president of Enterprise Minnesota, Inc.;

65.30 (17) member of the board of directors or executive director of the Minnesota State High
65.31 School League;

- 66.1 (18) member of the Minnesota Ballpark Authority established in section 473.755;
- 66.2 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;
- 66.3 (20) manager of a watershed district, or member of a watershed management organization
- 66.4 as defined under section 103B.205, subdivision 13;
- 66.5 (21) supervisor of a soil and water conservation district;
- 66.6 (22) director of Explore Minnesota Tourism;
- 66.7 (23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section
- 66.8 97A.056;
- 66.9 (24) citizen member of the Clean Water Council established in section 114D.30;
- 66.10 (25) member or chief executive of the Minnesota Sports Facilities Authority established
- 66.11 in section 473J.07;
- 66.12 (26) district court judge, appeals court judge, or supreme court justice;
- 66.13 (27) county commissioner;
- 66.14 (28) member of the Greater Minnesota Regional Parks and Trails Commission; ~~or~~
- 66.15 (29) member of the Destination Medical Center Corporation established in section 469.41
- 66.16 ~~;~~ or
- 66.17 (30) chancellor or member of the Board of Trustees of the Minnesota State Colleges
- 66.18 and Universities.

66.19 Sec. 3. Minnesota Statutes 2020, section 10A.09, subdivision 1, is amended to read:

66.20 Subdivision 1. **Time for filing.** An individual must file a statement of economic interest

66.21 ~~with the board:~~

66.22 (1) within 60 days of accepting employment as a public official or a local official in a

66.23 metropolitan governmental unit;

66.24 (2) within 60 days of assuming office as a district court judge, appeals court judge,

66.25 supreme court justice, or county commissioner;

66.26 (3) within 14 days after filing an affidavit of candidacy or petition to appear on the ballot

66.27 for an elective state constitutional or legislative office or an elective local office in a

66.28 metropolitan governmental unit other than county commissioner;

66.29 (4) in the case of a public official requiring the advice and consent of the senate, within

66.30 14 days after undertaking the duties of office; or

67.1 (5) in the case of members of the Minnesota Racing Commission, the director of the
67.2 Minnesota Racing Commission, chief of security, medical officer, inspector of pari-mutuels,
67.3 and stewards employed or approved by the commission or persons who fulfill those duties
67.4 under contract, within 60 days of accepting or assuming duties.

67.5 Sec. 4. Minnesota Statutes 2020, section 10A.09, subdivision 2, is amended to read:

67.6 Subd. 2. **Notice to board.** The secretary of state or the appropriate county auditor, upon
67.7 receiving an affidavit of candidacy or petition to appear on the ballot from an individual
67.8 required by this section to file a statement of economic interest, and any official who
67.9 nominates or employs a public ~~or local~~ official required by this section to file a statement
67.10 of economic interest, must notify the board of the name of the individual required to file a
67.11 statement and the date of the affidavit, petition, or nomination.

67.12 Sec. 5. Minnesota Statutes 2020, section 10A.09, subdivision 5, is amended to read:

67.13 Subd. 5. **Form; general requirements.** (a) A statement of economic interest required
67.14 by this section must be on a form prescribed by the board. The individual filing must provide
67.15 the following information:

67.16 (1) name, address, occupation, and principal place of business;

67.17 (2) the name of each associated business and the nature of that association;

67.18 (3) a listing of all real property within the state, excluding homestead property, in which
67.19 the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or
67.20 seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of
67.21 \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000;

67.22 (4) a listing of all real property within the state in which a partnership of which the
67.23 individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as
67.24 buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of
67.25 the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property
67.26 has a fair market value of more than \$50,000. A listing under this clause or clause (3) must
67.27 indicate the street address and the municipality or the section, township, range and
67.28 approximate acreage, whichever applies, and the county in which the property is located;

67.29 (5) a listing of any investments, ownership, or interests in property connected with
67.30 pari-mutuel horse racing in the United States and Canada, including a racehorse, in which
67.31 the individual directly or indirectly holds a partial or full interest or an immediate family
67.32 member holds a partial or full interest;

(6) a listing of the principal business or professional activity category of each business from which the individual receives more than \$250 in any month during the reporting period as an employee, if the individual has an ownership interest of 25 percent or more in the business;

(7) a listing of each principal business or professional activity category from which the individual received compensation of more than \$2,500 in the past 12 months as an independent contractor; and

(8) a listing of the full name of each security with a value of more than \$10,000 owned in part or in full by the individual, at any time during the reporting period.

(b) The business or professional categories for purposes of paragraph (a), clauses (6) and (7), must be the general topic headings used by the federal Internal Revenue Service for purposes of reporting self-employment income on Schedule C. This paragraph does not require an individual to report any specific code number from that schedule. Any additional principal business or professional activity category may only be adopted if the category is enacted by law.

~~(e) For the purpose of an original statement of economic interest, "compensation in any month" includes only compensation received in the calendar month immediately preceding the date of appointment as a public official or filing as a candidate.~~

~~(d)~~ (c) For the purpose of calculating the amount of compensation received from any single source in a single month, the amount shall include the total amount received from the source during the month, whether or not the amount covers compensation for more than one month.

~~(e)~~ (d) For the purpose of determining the value of an individual's interest in real property, the value of the property is the market value shown on the property tax statement.

~~(f) For the purpose of an original statement of economic interest, the individual shall disclose only those real properties owned on the date of appointment as a public official or filing as a candidate.~~

~~(g)~~ (e) For the purpose of this section, "date of appointment" means the effective date of appointment to a position.

~~(h)~~ (f) For the purpose of this section, "accepting employment as a public official" means the effective date of the appointment to the position, as stated in the appointing authority's notice to the board.

69.1 Sec. 6. Minnesota Statutes 2020, section 10A.09, is amended by adding a subdivision to
69.2 read:

69.3 Subd. 5a. **Original statement; reporting period.** (a) An original statement of economic
69.4 interest required under subdivision 1, clause (1), must cover the calendar month before the
69.5 month in which the individual accepted employment as a public official or a local official
69.6 in a metropolitan governmental unit.

69.7 (b) An original statement of economic interest required under subdivision 1, clauses (2),
69.8 (4), and (5), must cover the calendar month before the month in which the individual assumed
69.9 or undertook the duties of office.

69.10 (c) An original statement of economic interest required under subdivision 1, clause (3),
69.11 must cover the calendar month before the month in which the candidate filed the affidavit
69.12 of candidacy.

69.13 Sec. 7. Minnesota Statutes 2020, section 10A.09, subdivision 6, is amended to read:

69.14 Subd. 6. **Annual statement.** (a) Each individual who is required to file a statement of
69.15 economic interest must also file an annual statement by the last Monday in January of each
69.16 year that the individual remains in office. The annual statement must cover the period
69.17 through December 31 of the year prior to the year when the statement is due. The annual
69.18 statement must include the amount of each honorarium in excess of ~~\$50~~ \$250 received since
69.19 the previous statement and the name and address of the source of the honorarium. The board
69.20 must maintain each annual statement of economic interest submitted by an officeholder in
69.21 the same file with the statement submitted as a candidate.

69.22 ~~(b) For the purpose of annual statements of economic interest to be filed, "compensation~~
69.23 ~~in any month" includes compensation and honoraria received in any month between the~~
69.24 ~~end of the period covered in the preceding statement of economic interest and the end of~~
69.25 ~~the current period.~~

69.26 ~~(c)~~ (b) An individual must file the annual statement of economic interest required by
69.27 this subdivision to cover the period for which the individual served as a public official even
69.28 though at the time the statement was filed, the individual is no longer holding that office as
69.29 a public official.

69.30 ~~(d) For the purpose of an annual statement of economic interest, the individual shall~~
69.31 ~~disclose any real property owned at any time between the end of the period covered by the~~
69.32 ~~preceding statement of economic interest and through the last day of the month preceding~~

70.1 ~~the current filing or the last day of employment, if the individual is no longer a public~~
70.2 ~~official.~~

70.3 Sec. 8. Minnesota Statutes 2020, section 10A.14, is amended by adding a subdivision to
70.4 read:

70.5 Subd. 2a. **Alternate contact information; form.** (a) A candidate; treasurer of a political
70.6 committee, political fund, principal campaign committee, or party unit; or chair of a political
70.7 committee, principal campaign committee, or party unit may file a form with the board that
70.8 includes alternate contact information. If a form is filed, the form must include the following
70.9 information for the filer:

70.10 (1) name;

70.11 (2) political committee, political fund, principal campaign committee, or party unit; and

70.12 (3) alternate contact information.

70.13 (b) The board must only use the alternate contact information to contact the filer for the
70.14 purposes of administering chapter 10A. Information collected pursuant to this subdivision
70.15 is private data on individuals.

70.16 (c) For purposes of this subdivision, "alternate contact information" means an address,
70.17 phone number, or e-mail address that is different from the information provided on the form
70.18 required by subdivision 2.

70.19 **EFFECTIVE DATE.** This section is effective August 1, 2021.

70.20 Sec. 9. Minnesota Statutes 2020, section 10A.20, subdivision 13, is amended to read:

70.21 Subd. 13. **Third-party reimbursement.** An individual or association filing a report
70.22 disclosing an expenditure or noncampaign disbursement that must be reported and itemized
70.23 under subdivision 3, paragraph ~~(g)~~ (h) or ~~(h)~~ (m), that is a reimbursement to a third party
70.24 must report the purpose of each expenditure or disbursement for which the third party is
70.25 being reimbursed. In the alternative, the reporting individual or association may report
70.26 individually each of the underlying expenditures being reimbursed. An expenditure or
70.27 disbursement is a reimbursement to a third party if it is for goods or services that were not
70.28 directly provided by the individual or association to whom the expenditure or disbursement
70.29 is made. Third-party reimbursements include payments to credit card companies and
70.30 reimbursement of individuals for expenses they have incurred.

71.1 Sec. 10. Minnesota Statutes 2020, section 10A.27, subdivision 13, is amended to read:

71.2 Subd. 13. **Unregistered association limit; statement; penalty.** (a) The treasurer of a
71.3 political committee, political fund, principal campaign committee, or party unit must not
71.4 accept a contribution of more than \$200 from an association not registered under this chapter
71.5 unless the contribution is accompanied by a ~~written~~ statement that meets the disclosure and
71.6 reporting period requirements imposed by section 10A.20. The statement may be a written
71.7 statement or a government website where the disclosure report for the unregistered association
71.8 may be viewed. This statement must be certified as true and correct by an officer of the
71.9 contributing association. The committee, fund, or party unit that accepts the contribution
71.10 must include a copy of the written statement or website with the report that discloses the
71.11 contribution to the board.

71.12 (b) An unregistered association may provide the ~~written~~ statement required by this
71.13 subdivision to no more than three committees, funds, or party units in a calendar year. Each
71.14 statement must cover at least the 30 days immediately preceding and including the date on
71.15 which the contribution was made. An unregistered association or an officer of it is subject
71.16 to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

71.17 (1) fails to provide a ~~written~~ statement as required by this subdivision; or

71.18 (2) fails to register after giving the ~~written~~ statement required by this subdivision to more
71.19 than three committees, funds, or party units in a calendar year.

71.20 (c) The treasurer of a political committee, political fund, principal campaign committee,
71.21 or party unit who accepts a contribution in excess of \$200 from an unregistered association
71.22 without the required ~~written~~ disclosure statement is subject to a civil penalty up to four
71.23 times the amount in excess of \$200.

71.24 (d) This subdivision does not apply:

71.25 (1) when a national political party contributes money to its state committee; ~~or~~

71.26 (2) when a federal committee of a major or minor political party registered with the
71.27 board gives an in-kind contribution to the federal committee's state central committee or a
71.28 party organization within a house of the state legislature; or

71.29 ~~(2)~~ (3) to purchases by candidates for federal office of tickets to events or space rental
71.30 at events held by party units in this state (i) if the geographical area represented by the party
71.31 unit includes any part of the geographical area of the office that the federal candidate is
71.32 seeking and (ii) the purchase price is not more than that paid by other attendees or renters
71.33 of similar spaces.

72.1 Sec. 11. Minnesota Statutes 2020, section 10A.275, subdivision 1, is amended to read:

72.2 Subdivision 1. **Exceptions.** Notwithstanding other provisions of this chapter, the
72.3 following expenditures by a party unit, or two or more party units acting together, with at
72.4 least one party unit being either: the state committee or the party organization within a
72.5 congressional district, county, or legislative district, are not considered contributions to or
72.6 expenditures on behalf of a candidate for the purposes of section 10A.25 or 10A.27 and
72.7 must not be allocated to candidates under section 10A.20, subdivision 3, paragraph ~~(g)~~ (h):

72.8 (1) expenditures on behalf of candidates of that party generally without referring to any
72.9 of them specifically in a published, posted, or broadcast advertisement;

72.10 (2) expenditures for the preparation, display, mailing, or other distribution of an official
72.11 party sample ballot listing the names of three or more individuals whose names are to appear
72.12 on the ballot;

72.13 (3) expenditures for a telephone ~~conversation including~~ call, voice mail, text message,
72.14 multimedia message, internet chat message, or e-mail when the communication includes
72.15 the names of three or more individuals whose names are to appear on the ballot;

72.16 (4) expenditures for a political party fund-raising effort on behalf of three or more
72.17 candidates; or

72.18 (5) expenditures for party committee staff services that benefit three or more candidates.

72.19 Sec. 12. Minnesota Statutes 2020, section 10A.31, subdivision 7, is amended to read:

72.20 Subd. 7. **Distribution of general account.** (a) As soon as the board has obtained the
72.21 results of the primary election from the secretary of state, but no later than one week after
72.22 certification of the primary results by the State Canvassing Board, the board must distribute
72.23 the available money in the general account, as certified by the commissioner of revenue
72.24 one week before the state primary and according to allocations set forth in subdivision 5,
72.25 in equal amounts to all candidates of a major political party whose names are to appear on
72.26 the ballot in the general election and who:

72.27 (1) have signed a spending limit agreement under section 10A.322;

72.28 (2) have filed the affidavit of contributions required by section 10A.323; and

72.29 (3) were opposed in either the primary election or the general election.

72.30 (b) If one or more candidates for an office are not eligible for the public subsidy, and
72.31 one or more candidates for the same office are eligible for the public subsidy, then the

73.1 amount of public subsidy that would have otherwise been paid to the ineligible candidate
73.2 or candidates must be equally distributed to the eligible candidate or candidates.

73.3 ~~(b)~~ (c) The public subsidy under this subdivision may not be paid in an amount that
73.4 would cause the sum of the public subsidy paid from the party account plus the public
73.5 subsidy paid from the general account to exceed 50 percent of the expenditure limit for the
73.6 candidate or 50 percent of the expenditure limit that would have applied to the candidate if
73.7 the candidate had not been freed from expenditure limits under section 10A.25, subdivision
73.8 10. Money from the general account not paid to a candidate because of the 50 percent limit
73.9 must be distributed equally among all other qualifying candidates for the same office until
73.10 all have reached the 50 percent limit or the balance in the general account is exhausted.

73.11 Sec. 13. Minnesota Statutes 2020, section 10A.323, is amended to read:

73.12 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

73.13 (a) In addition to the requirements of section 10A.322, to be eligible to receive a public
73.14 subsidy under section 10A.31 a candidate or the candidate's treasurer must:

73.15 (1) between January 1 of the previous year and the cutoff date for transactions included
73.16 in the report of receipts and expenditures due before the primary election, accumulate
73.17 contributions from individuals eligible to vote in this state in at least the amount indicated
73.18 for the office sought, counting only the first \$50 received from each contributor, excluding
73.19 in-kind contributions:

73.20 (i) candidates for governor and lieutenant governor running together, \$35,000;

73.21 (ii) candidates for attorney general, \$15,000;

73.22 (iii) candidates for secretary of state and state auditor, separately, \$6,000;

73.23 (iv) candidates for the senate, \$3,000; and

73.24 (v) candidates for the house of representatives, \$1,500;

73.25 (2) file an affidavit with the board stating that the principal campaign committee has
73.26 complied with this paragraph. The affidavit must state the total amount of contributions that
73.27 have been received from individuals eligible to vote in this state, excluding:

73.28 (i) the portion of any contribution in excess of \$50;

73.29 (ii) any in-kind contribution; and

73.30 (iii) any contribution for which the name and address of the contributor is not known
73.31 and recorded; and

(3) submit the affidavit required by this section to the board in writing by the deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4 2.

(b) A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must accumulate the contributions specified in paragraph (a) and must submit the affidavit required by this section to the board within five days after the close of the filing period for the special election for which the candidate filed.

(c) Notwithstanding paragraphs (a) and (b), a candidate for a vacancy to be filled at a special election called under section 204B.13, subdivision 2, paragraph (c), must accumulate the contributions specified in paragraph (a) and must submit the affidavit required by this section to the board within 12 calendar days after the general election.

(d) A candidate or the candidate's treasurer must be able to electronically file the affidavit required under this section in the same manner as other reports required by this chapter. The board must not require the candidate or candidate's treasurer to notarize the affidavit of contribution.

Sec. 14. **REPEALER.**

Minnesota Statutes 2020, sections 116O.03, subdivision 9; and 116O.04, subdivision 3, are repealed.

ARTICLE 4
ELECTIONS

Section 1. **[5.385] USE OF PUBLIC FUNDS; BALLOT QUESTIONS.**

Notwithstanding section 10A.52, paragraph (b), the secretary of state shall not spend, or cause to be spent, any public funds or use any other public resource with the purpose of promoting or defeating a ballot question at any time. The secretary of state shall not use the inherent prestige of the office in any manner that has the effect of promoting or defeating a ballot question. The secretary of state may spend public funds to provide impartial and balanced information on ballot questions that does not have the effect of promoting or defeating a ballot question. For purposes of this section, public funds means all general, special, permanent, trust, and other funds, regardless of source or purpose, held or administered by a government entity.

75.1 Sec. 2. **[10A.52] USE OF PUBLIC FUNDS; BALLOT QUESTIONS.**

75.2 (a) No public official shall spend, or cause to be spent, any public funds or use any other
75.3 public resource with the purpose of promoting or defeating a ballot question or in a manner
75.4 that has the effect of promoting or defeating a ballot question.

75.5 (b) This prohibition only applies after final enactment of a legislative act that places a
75.6 ballot question on the ballot.

75.7 (c) For purposes of this section, public funds means all general, special, permanent, trust,
75.8 and other funds, regardless of source or purpose, held or administered by a government
75.9 entity.

75.10 Sec. 3. Minnesota Statutes 2020, section 201.061, subdivision 1a, is amended to read:

75.11 Subd. 1a. **Incomplete registration by mail.** ~~If the county auditor determines that a voter~~
75.12 ~~who has submitted a voter registration application by mail has not previously voted in this~~
75.13 ~~state for a federal office and has also not presented a document authorized for election day~~
75.14 ~~registration in section 201.061, subdivision 3, to the county auditor, and the county auditor~~
75.15 ~~is unable to verify the voter's driver's license, state identification, or last four digits of the~~
75.16 ~~voter's Social Security number as provided by the voter on the voter registration application~~
75.17 whether the voter is eligible to vote, then the county auditor must notify the voter that the
75.18 registration is incomplete and to complete registration by using one of the following methods:

75.19 (1) ~~presenting to the auditor~~ submitting a completed voter registration application more
75.20 ~~than 20 days before the election a document authorized for election day registration in~~
75.21 ~~section 201.061, subdivision 3;~~

75.22 (2) registering in person before or on election day; or

75.23 (3) if voting by absentee ballot or by mail, following election day registration procedures
75.24 for absentee voters as described in section 203B.04, subdivision 4; ~~or~~

75.25 (4) ~~providing proof of residence by any of the methods authorized for election day~~
75.26 ~~registration in section 201.061, subdivision 3.~~

75.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
75.28 on or after that date.

75.29 Sec. 4. Minnesota Statutes 2020, section 201.061, subdivision 3, is amended to read:

75.30 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register
75.31 on election day by appearing in person at the polling place for the precinct in which the

76.1 individual maintains residence, ~~by and~~ completing a voter registration application, ~~making~~
76.2 ~~an oath in the form prescribed by the secretary of state and providing proof of residence.~~
76.3 ~~An individual may prove residence for purposes of registering by:~~

76.4 (1) ~~presenting a driver's license or Minnesota identification card issued pursuant to~~
76.5 ~~section 171.07;~~

76.6 (2) ~~presenting any document approved by the secretary of state as proper identification;~~

76.7 (3) ~~presenting one of the following:~~

76.8 (i) ~~a current valid student identification card from a postsecondary educational institution~~
76.9 ~~in Minnesota, if a list of students from that institution has been prepared under section~~
76.10 ~~135A.17 and certified to the county auditor in the manner provided in rules of the secretary~~
76.11 ~~of state; or~~

76.12 (ii) ~~a current student fee statement that contains the student's valid address in the precinct~~
76.13 ~~together with a picture identification card; or~~

76.14 (4) ~~having a voter who is registered to vote in the precinct, or an employee employed~~
76.15 ~~by and working in a residential facility in the precinct and vouching for a resident in the~~
76.16 ~~facility, sign an oath in the presence of the election judge vouching that the voter or employee~~
76.17 ~~personally knows that the individual is a resident of the precinct. A voter who has been~~
76.18 ~~vouched for on election day may not sign a proof of residence oath vouching for any other~~
76.19 ~~individual on that election day. A voter who is registered to vote in the precinct may sign~~
76.20 ~~up to eight proof of residence oaths on any election day. This limitation does not apply to~~
76.21 ~~an employee of a residential facility described in this clause. The secretary of state shall~~
76.22 ~~provide a form for election judges to use in recording the number of individuals for whom~~
76.23 ~~a voter signs proof of residence oaths on election day. The form must include space for the~~
76.24 ~~maximum number of individuals for whom a voter may sign proof of residence oaths. For~~
76.25 ~~each proof of residence oath, the form must include a statement that the individual: (i) is~~
76.26 ~~registered to vote in the precinct or is an employee of a residential facility in the precinct,~~
76.27 ~~(ii) personally knows that the voter is a resident of the precinct, and (iii) is making the~~
76.28 ~~statement on oath. The form must include a space for the voter's printed name, signature,~~
76.29 ~~telephone number, and address.~~

76.30 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
76.31 attached to the voter registration application.

76.32 (b) ~~The operator of a residential facility shall prepare a list of the names of its employees~~
76.33 ~~currently working in the residential facility and the address of the residential facility. The~~

77.1 operator shall certify the list and provide it to the appropriate county auditor no less than
77.2 20 days before each election for use in election day registration.

77.3 (c) "Residential facility" means transitional housing as defined in section 256E.33,
77.4 subdivision 1; a supervised living facility licensed by the commissioner of health under
77.5 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
77.6 5; a residence registered with the commissioner of health as a housing with services
77.7 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
77.8 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
77.9 licensed by the commissioner of human services to provide a residential program as defined
77.10 in section 245A.02, subdivision 14; a residential facility for persons with a developmental
77.11 disability licensed by the commissioner of human services under section 252.28; setting
77.12 authorized to provide housing support as defined in section 256I.03, subdivision 3; a shelter
77.13 for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly
77.14 or privately operated shelter or dwelling designed to provide temporary living
77.15 accommodations for the homeless.

77.16 (d) For tribal band members, an individual may prove residence for purposes of
77.17 registering by:

77.18 (1) presenting an identification card issued by the tribal government of a tribe recognized
77.19 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the
77.20 name, address, signature, and picture of the individual; or

77.21 (2) presenting an identification card issued by the tribal government of a tribe recognized
77.22 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the
77.23 name, signature, and picture of the individual and also presenting one of the documents
77.24 listed in Minnesota Rules, part 8200.5100, subpart 2, item B. For purposes of registration
77.25 under this subdivision, the voter registration application must be printed on or affixed to a
77.26 provisional ballot envelope and contain the information required by section 201.071,
77.27 subdivision 1. The application may be completed using an electronic roster and then printed
77.28 and affixed to the provisional ballot envelope. An individual who registers on election day
77.29 is entitled to cast a provisional ballot pursuant to section 204C.135.

77.30 (e) (b) A county, school district, or municipality may require that an election judge
77.31 responsible for election day registration initial each completed registration application.

77.32 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
77.33 on or after that date.

78.1 Sec. 5. Minnesota Statutes 2020, section 201.061, subdivision 4, is amended to read:

78.2 Subd. 4. **Registration by election judges; procedures.** Registration at the polling place
78.3 on election day shall be conducted by the election judges. Before registering an individual
78.4 to vote at the polling place, the election judge must review any list of absentee election day
78.5 registrants provided by the county auditor or municipal clerk to see if the person has already
78.6 voted by absentee ballot. If the person's name appears on the list, the election judge must
78.7 not allow the individual to register or to vote in the polling place. The election judge who
78.8 registers an individual at the polling place on election day shall not handle that voter's ballots
78.9 at any time prior to the opening of the ballot box after the voting ends. Registration
78.10 applications ~~and forms for oaths~~ shall be available at each polling place. ~~If an individual~~
78.11 ~~who registers on election day proves residence by oath of a registered voter, the form~~
78.12 ~~containing the oath shall be attached to the individual's registration application. Registration~~
78.13 ~~applications completed on election day shall be forwarded to the county auditor who shall~~
78.14 ~~add the name of each voter to the registration system unless the information forwarded is~~
78.15 ~~substantially deficient. A county auditor who finds an election day registration substantially~~
78.16 ~~deficient shall give written notice to the individual whose registration is found deficient.~~
78.17 ~~An election day registration shall not be found deficient solely because the individual who~~
78.18 ~~provided proof of residence was ineligible to do so.~~

78.19 Sec. 6. Minnesota Statutes 2020, section 201.091, subdivision 4, is amended to read:

78.20 Subd. 4. **Public information lists.** (a) The county auditor shall make available for
78.21 inspection a public information list which must contain the name, address, year of birth,
78.22 and voting history of each registered voter in the county. The list must indicate each voter
78.23 whose status is challenged in the statewide voter registration system at the time the list was
78.24 prepared. For each voter, the list must include the history of each change in status and the
78.25 date that the change to that status was made. The list must also include individuals that were
78.26 previously registered but were removed or made inactive in the statewide voter registration
78.27 system, and the reason for the removal or inactivation.

78.28 The list must not include the party choice of any voter who voted in a presidential
78.29 nomination primary. The telephone number must be included on the list if provided by the
78.30 voter. The public information list may also include information on voting districts.

78.31 (b) The county auditor may adopt reasonable rules governing access to the list. No
78.32 individual inspecting the public information list shall tamper with or alter it in any manner.
78.33 No individual who inspects the public information list or who acquires a list of registered
78.34 voters prepared from the public information list may use any information contained in the

list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

(c) Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

(d) Upon receipt of a statement signed by the voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family, the secretary of state and county auditor must withhold from the public information list the name of a registered voter.

EFFECTIVE DATE. This section is effective July 1, 2021, and applies to public information lists created on or after that date. Information on status changes or individuals removed from the statewide voter registration system collected prior to July 1, 2021, must not be included on a public information list.

Sec. 7. Minnesota Statutes 2020, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **Entry of registration information.** (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system ~~within 42~~ as soon as possible, but no later than three days after the election, ~~unless the county auditor notifies the secretary of state before the deadline has expired that the deadline will not be met. Upon receipt of a notification under this paragraph, the secretary of state must extend the deadline for that county auditor by an additional 28 days. The secretary of state may waive a county's obligations under this paragraph if, on good cause shown, the county demonstrates its permanent inability to comply.~~

80.1 ~~The secretary of state must post data on each county's compliance with this paragraph on~~
80.2 ~~the secretary of state's website including, as applicable, the date each county fully complied~~
80.3 ~~or the deadline by which a county's compliance must be complete.~~

80.4 (b) Upon receiving a completed voter registration application, the secretary of state may
80.5 electronically transmit the information on the application to the appropriate county auditor
80.6 as soon as possible for review by the county auditor before final entry into the statewide
80.7 registration system. The secretary of state may mail the voter registration application to the
80.8 county auditor.

80.9 (c) Within ten days after the county auditor has entered information from a voter
80.10 registration application into the statewide registration system, the secretary of state shall
80.11 compare the voter's name, date of birth, and driver's license number, state identification
80.12 number, or the last four digits of the Social Security number with the same information
80.13 contained in the Department of Public Safety database. For applications received on election
80.14 day, this must be completed within three days after the county auditor or municipal clerk
80.15 has entered the information into the statewide voter registration system.

80.16 (d) The secretary of state shall provide a report to the county auditor on a weekly basis
80.17 that includes a list of voters whose name, date of birth, or identification number have been
80.18 compared with the same information in the Department of Public Safety database and cannot
80.19 be verified as provided in this subdivision. The report must list separately those voters who
80.20 have submitted a voter registration application by mail and have not voted in a federal
80.21 election in this state. For the six days following an election, the secretary of state must
80.22 provide this report at least daily to county auditors and municipal clerks.

80.23 (e) The county auditor shall compile a list of voters for whom the county auditor and
80.24 the secretary of state are unable to conclude that information on the voter registration
80.25 application and the corresponding information in the Department of Public Safety database
80.26 relate to the same person.

80.27 (f) The county auditor shall send a notice of incomplete registration to any voter whose
80.28 name appears on the list and change the voter's status to "incomplete." A voter who receives
80.29 a notice of incomplete registration from the county auditor may either provide the information
80.30 required to complete the registration at least 21 days before the next election or at the polling
80.31 place on election day.

80.32 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
80.33 on or after that date.

81.1 Sec. 8. Minnesota Statutes 2020, section 201.121, subdivision 3, is amended to read:

81.2 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor
81.3 shall send the notice required by subdivision 2 to a random sampling of the individuals
81.4 registered on election day. The random sampling shall be determined in accordance with
81.5 the rules of the secretary of state. As soon as practicable after the election, the county auditor
81.6 shall mail the notice required by subdivision 2 to all other individuals registered on election
81.7 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine
81.8 the reason for the return. A county auditor who does not receive or obtain satisfactory proof
81.9 of an individual's eligibility to vote shall immediately notify the county attorney of all of
81.10 the relevant information. The By February 15 of each year, the county auditor must notify
81.11 the secretary of state of the following information for each election held in the previous
81.12 year by each precinct:

81.13 (1) the total number of all notices that were returned as nondeliverable;

81.14 (2) the total number of nondeliverable notices that the county auditor was able to
81.15 determine the reason for the return along with the reason for each return; and

81.16 (3) the total number of individuals for whom the county auditor does not receive or
81.17 obtain satisfactory proof of an individual's eligibility to vote.

81.18 (b) By March 1 of every ~~odd-numbered~~ year, the secretary of state shall report to the
81.19 chair and ranking minority members of the legislative committees with jurisdiction over
81.20 elections the following information for each election held in the previous year by each
81.21 precinct and each county:

81.22 (1) the total number of all notices that were returned as nondeliverable;

81.23 (2) the total number of nondeliverable notices that a county auditor was able to determine
81.24 the reason for the return along with the reason for each return; and

81.25 (3) the total number of individuals for whom the county auditor does not receive or
81.26 obtain satisfactory proof of an individual's eligibility to vote.

81.27 Sec. 9. **[201.146] NOTICE OF CHALLENGE; CONTEST.**

81.28 Subdivision 1. Notice of challenge. No later than seven days after changing the status
81.29 of a registrant in the statewide voter registration system pursuant to section 201.13,
81.30 subdivision 1, 201.14, or 201.145, the county auditor or municipal clerk must mail a notice
81.31 to the registrant. The notice must include, at a minimum, the following information:

81.32 (1) a statement that the voter's status was challenged or that a challenge was removed;

82.1 (2) the reason for the change;
82.2 (3) a copy of the information provided by the state agency or court that was the basis
82.3 for the change in status; and

82.4 (4) a description of the process to contest the change in status, as provided in subdivision
82.5 2.

82.6 Subd. 2. **Contest.** (a) An individual whose status was challenged in the statewide voter
82.7 registration system pursuant to section 201.13, subdivision 1, 201.14, or 201.145 has the
82.8 right to contest the challenge as provided in this section.

82.9 (b) To contest the challenge, the individual must file a contest petition with the named
82.10 entity. The petition must state the basis for the contest and provide any supporting
82.11 documentation. The individual may request a review meeting as part of the petition. The
82.12 meeting may be conducted by interactive video technology. The petition must be in a form
82.13 prescribed by the secretary of state.

82.14 (c) No later than seven days after receiving the contest petition, the named entity must
82.15 review the contest petition and any supporting documentation, as well as the data provided
82.16 to the secretary of state. If the individual requested a review meeting, the named entity must
82.17 schedule a meeting with the individual within 14 days after receiving the contest petition.

82.18 (d) After reviewing the required data, and after the review meeting if one occurred, the
82.19 named entity must determine whether the data is accurate or should be changed. If the named
82.20 entity determines that no change to the data is required, the named entity must notify the
82.21 individual. If the named entity determines that the data must be changed, the named entity
82.22 must promptly notify the individual and the secretary of state. Upon receiving the changed
82.23 data from the named entity, the secretary of state must promptly remove the challenged
82.24 status. If an individual disagrees with the decision of the named entity, the individual may
82.25 appeal to the district court.

82.26 (e) For purposes of this section, "named entity" means the entity listed in the notice as
82.27 required by subdivision 1, clause (3).

82.28 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to individuals
82.29 who are challenged on or after that date, and applies to reports received by the secretary of
82.30 state on or after that date. The notices required by subdivision 1 must be sent to individuals
82.31 who are challenged in the statewide voter registration system pursuant to this section on or
82.32 after July 1, 2021.

83.1 Sec. 10. Minnesota Statutes 2020, section 201.225, subdivision 2, is amended to read:

83.2 Subd. 2. **Technology requirements.** An electronic roster must:

83.3 (1) be able to be loaded with a data file that includes voter registration data in a file
83.4 format prescribed by the secretary of state;

83.5 (2) allow for data to be exported in a file format prescribed by the secretary of state;

83.6 (3) allow for data to be entered manually or by scanning a Minnesota driver's license or
83.7 identification card to locate a voter record or populate a voter registration application that
83.8 would be printed and signed and dated by the voter. ~~The printed registration application~~
83.9 ~~can be either a printed form, labels printed with voter information to be affixed to a preprinted~~
83.10 ~~form, or a combination of both~~ and affixed to the provisional ballot envelope;

83.11 (4) allow an election judge to update data that was populated from a scanned driver's
83.12 license or identification card;

83.13 (5) cue an election judge to ask for and input data that is not populated from a scanned
83.14 driver's license or identification card that is otherwise required to be collected from the voter
83.15 or an election judge;

83.16 (6) immediately alert the election judge if the voter has provided information that indicates
83.17 that the voter is not eligible to vote;

83.18 (7) immediately alert the election judge if the electronic roster indicates that a voter has
83.19 already voted in that precinct, the voter's registration status is challenged, or it appears the
83.20 voter resides in a different precinct;

83.21 (8) provide immediate instructions on how to resolve a particular type of challenge when
83.22 a voter's record is challenged;

83.23 (9) provide for a printed voter signature certificate, containing the voter's name, address
83.24 of residence, date of birth, voter identification number, the oath required by section 204C.10,
83.25 and a space for the voter's original signature. The printed voter signature certificate can be
83.26 either a printed form or a label printed with the voter's information to be affixed to the oath;

83.27 (10) contain only preregistered voters within the precinct, and not contain preregistered
83.28 voter data on voters registered outside of the precinct;

83.29 (11) be only networked within the polling location on election day, except for the purpose
83.30 of updating absentee ballot records;

83.31 (12) meet minimum security, reliability, and networking standards established by the
83.32 Office of the Secretary of State in consultation with the Office of MN.IT Services;

84.1 (13) be capable of providing a voter's correct polling place; and

84.2 (14) perform any other functions necessary for the efficient and secure administration
84.3 of the participating election, as determined by the secretary of state.

84.4 Electronic rosters used only for election day registration do not need to comply with clauses
84.5 (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need
84.6 to comply with clauses (4) and (5).

84.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
84.8 on or after that date.

84.9 Sec. 11. Minnesota Statutes 2020, section 201.225, subdivision 5, is amended to read:

84.10 Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day
84.11 registration, to process preregistered voters, or both. ~~The printed election day registration~~
84.12 ~~applications must be reviewed when electronic records are processed in the statewide voter~~
84.13 ~~registration system.~~ The election judges shall determine the number of ballots to be counted
84.14 by counting the number of original voter signature certificates or the number of voter receipts.

84.15 (b) Each precinct using electronic rosters shall have a paper backup system approved
84.16 by the secretary of state present at the polling place to use in the event that the election
84.17 judges are unable to use the electronic roster.

84.18 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
84.19 on or after that date.

84.20 Sec. 12. Minnesota Statutes 2020, section 203B.01, subdivision 3, is amended to read:

84.21 Subd. 3. **Military.** "Military" means the Army, Navy, Air Force, Marine Corps, Coast
84.22 Guard or Merchant Marine of the United States, all other uniformed services as defined in
84.23 United States Code, title 52, section 20310, and military forces as defined by section 190.05,
84.24 subdivision 3, or any eligible citizen of Minnesota enrolled as a student at the United States
84.25 Naval Academy, the United States Coast Guard Academy, the United States Merchant
84.26 Marine Academy, the United States Air Force Academy, or the United States Military
84.27 Academy.

84.28 Sec. 13. Minnesota Statutes 2020, section 203B.04, subdivision 1, is amended to read:

84.29 Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision
84.30 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election
84.31 may be submitted at any time not less than one day before the day of that election. The

85.1 county auditor shall prepare absentee ballot application forms in the format provided by the
85.2 secretary of state and shall furnish them to any person on request. By January 1 of each
85.3 even-numbered year, the secretary of state shall make the forms to be used available to
85.4 auditors through electronic means. An application submitted pursuant to this subdivision
85.5 shall be in writing. An application may be submitted in person, by electronic facsimile
85.6 device, by electronic mail, or by mail to:

85.7 (1) the county auditor of the county where the applicant maintains residence; or

85.8 (2) the municipal clerk of the municipality, or school district if applicable, where the
85.9 applicant maintains residence.

85.10 For a federal, state, or county election, an absentee ballot application may alternatively be
85.11 submitted electronically through a secure website that shall be maintained by the secretary
85.12 of state for this purpose. Notwithstanding paragraph (b), the secretary of state must require
85.13 applicants using the website to submit the applicant's e-mail address and verifiable Minnesota
85.14 driver's license number, Minnesota state identification card number, or the last four digits
85.15 of the applicant's Social Security number.

85.16 An application submitted electronically under this paragraph may only be transmitted to
85.17 the county auditor for processing if the secretary of state has verified the application
85.18 information matches the information in a government database associated with the applicant's
85.19 driver's license number, state identification card number, or Social Security number. The
85.20 secretary of state must review all unverifiable applications for evidence of suspicious activity
85.21 and must forward any such application to an appropriate law enforcement agency for
85.22 investigation.

85.23 (b) An application shall be approved if it is timely received, signed and dated by the
85.24 applicant, contains the applicant's name and residence and mailing addresses, date of birth,
85.25 and at least one of the following:

85.26 (1) the applicant's Minnesota driver's license number;

85.27 (2) Minnesota state identification card number;

85.28 (3) the last four digits of the applicant's Social Security number; or

85.29 (4) a statement that the applicant does not have any of these numbers.

85.30 (c) To be approved, the application must contain an oath that the information contained
85.31 on the form is accurate, that the applicant is applying on the applicant's own behalf, and
85.32 that the applicant is signing the form under penalty of perjury.

(d) An applicant's full date of birth, Minnesota driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day, except as authorized in section 203B.12, and must be available to the public in the same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

(e) An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 14. Minnesota Statutes 2020, section 203B.04, subdivision 4, is amended to read:

Subd. 4. **Registration at time of application.** An eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by ~~including submitting~~ a completed voter registration application with the absentee ballot. ~~The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots~~ If the absentee ballot and voter registration application are returned by mail, the voter registration must be placed into the return envelope along with the signature envelope. A military voter, as defined in section 203B.01, may register in this manner if voting pursuant to sections 203B.04 to 203B.15, or may register pursuant to sections 203B.16 to 203B.27.

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 15. Minnesota Statutes 2020, section 203B.07, subdivision 3, is amended to read:

Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot shall be printed on the back of the return envelope. The certificate shall contain space for the voter's Minnesota driver's license number, state identification number, or the last four digits of the voter's Social Security number, or to indicate that the voter does not have one of these numbers. The space must be designed to ensure that the voter provides the same type of identification as provided on the voter's absentee ballot application for purposes of comparison. The certificate must also contain a statement to be signed and sworn by the

87.1 voter indicating that the voter meets all of the requirements established by law for voting
87.2 by absentee ballot and space for a statement signed by a person who is registered to vote in
87.3 Minnesota or by a notary public or other individual authorized to administer oaths stating
87.4 that:

87.5 (1) the ballots were displayed to that individual unmarked; and

87.6 (2) the voter marked the ballots in that individual's presence without showing how they
87.7 were marked, or, if the voter was physically unable to mark them, that the voter directed
87.8 another individual to mark them; ~~and~~

87.9 ~~(3) if the voter was not previously registered, the voter has provided proof of residencee~~
87.10 ~~as required by section 201.061, subdivision 3.~~

87.11 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
87.12 on or after that date.

87.13 Sec. 16. Minnesota Statutes 2020, section 203B.08, subdivision 3, is amended to read:

87.14 Subd. 3. **Procedures on receipt of ballots.** (a) When absentee ballots are returned to a
87.15 county auditor or municipal clerk, that official shall stamp or initial and date the return
87.16 envelope and. The county auditor must open the return envelope to determine if a voter
87.17 registration application is in the envelope. If a voter registration application is in the envelope,
87.18 the county auditor must remove the voter registration application. The county auditor must
87.19 reseal the return envelope, initial across the seal, and note that a voter registration application
87.20 was removed from the envelope. The county auditor must place it all return envelopes in a
87.21 secure location with other return envelopes received by that office. Except for voter
87.22 registration applications removed pursuant to this section, all contents of the return envelope
87.23 must remain in the return envelope until delivered to the ballot board.

87.24 (b) Within five days after receipt, the county auditor or municipal clerk shall deliver to
87.25 the ballot board all ballots received, except that during the 14 days immediately preceding
87.26 an election, the county auditor or municipal clerk shall deliver all ballots received to the
87.27 ballot board within three days. Ballots received on election day either (1) after 3:00 p.m.,
87.28 if delivered in person; or (2) after 8:00 p.m., if delivered by mail or a package delivery
87.29 service, shall be marked as received late by the county auditor or municipal clerk, and must
87.30 not be delivered to the ballot board.

87.31 (c) Upon removing the voter registration application as required by paragraph (a), the
87.32 county auditor must immediately process the voter registration application as provided in
87.33 section 201.121, subdivisions 1 and 2.

88.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
88.2 on or after that date.

88.3 Sec. 17. Minnesota Statutes 2020, section 203B.081, subdivision 1, is amended to read:

88.4 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the
88.5 office of the county auditor and at any other polling place designated by the county auditor
88.6 during the 46 days before the election, except as provided in this section. Any other polling
88.7 place designated by the county auditor pursuant to this section must be at a precinct polling
88.8 place designated pursuant to section 204B.16. Where the county auditor administers absentee
88.9 voting, all polling places must be open for in-person absentee voting for the entire absentee
88.10 voting period during the same days and hours as the office of the county auditor is open for
88.11 in-person absentee voting. Where a municipal clerk has been designated to administer
88.12 absentee voting pursuant to section 203B.05, all polling places designated within the
88.13 municipality must be open for in-person absentee voting for the entire absentee voting period
88.14 during the regular business hours for the municipal clerk's office.

88.15 Sec. 18. Minnesota Statutes 2020, section 203B.081, subdivision 2, is amended to read:

88.16 Subd. 2. **Town elections.** Voters casting absentee ballots in person for a town election
88.17 held in March may do so during the 30 days before the election. ~~The county auditor shall~~
88.18 ~~make such designations at least 14 weeks before the election.~~ At least one voting booth in
88.19 each polling place must be made available by the county auditor for this purpose. The county
88.20 auditor must also make available at least one electronic ballot marker in each polling place
88.21 that has implemented a voting system that is accessible for individuals with disabilities
88.22 pursuant to section 206.57, subdivision 5.

88.23 Sec. 19. Minnesota Statutes 2020, section 203B.081, subdivision 3, is amended to read:

88.24 Subd. 3. **Alternative procedure.** (a) The county auditor may make available a ballot
88.25 counter and ballot box for use by the preregistered voters during the seven days before the
88.26 election. If a ballot counter and ballot box is provided, a voter must be given the option
88.27 either (1) to vote using the process provided in section 203B.08, subdivision 1, or (2) to
88.28 vote in the manner provided in this subdivision.

88.29 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter must
88.30 state the voter's name, address, and date of birth to the county auditor or municipal clerk.
88.31 The voter shall sign a voter's certificate, which must include the voter's name, identification
88.32 number, and the certification required by section 201.071, subdivision 1. The signature of

89.1 an individual on the voter's certificate and the issuance of a ballot to the individual is evidence
89.2 of the intent of the individual to vote at that election.

89.3 (c) After signing the voter's certificate, the voter shall be issued a ballot and immediately
89.4 retire to a voting station or other designated location in the polling place to mark the ballot.
89.5 The ballot must not be taken from the polling place. If the voter spoils the ballot, the voter
89.6 may return it to the election official in exchange for a new ballot. After completing the
89.7 ballot, the voter shall deposit the ballot into the ballot box.

89.8 (d) The election official must immediately record that the voter has voted in the manner
89.9 provided in section 203B.121, subdivision 3.

89.10 (e) The election duties required by this subdivision must be performed by the county
89.11 auditor, municipal clerk, or a deputy of the auditor or clerk.

89.12 (f) If a person is not preregistered to vote, the person must not be allowed to cast an
89.13 absentee ballot using the alternative procedure authorized by this subdivision.

89.14 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
89.15 on or after that date.

89.16 Sec. 20. Minnesota Statutes 2020, section 203B.12, subdivision 7, is amended to read:

89.17 Subd. 7. **Names of persons; rejected absentee ballots.** The names of voters who have
89.18 submitted an absentee ballot to the county auditor or municipal clerk that has not been
89.19 accepted may not be made available for public inspection until the close of voting on election
89.20 day.

89.21 After the close of voting on election day, the lists must be available to the public in the
89.22 same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

89.23 Sec. 21. Minnesota Statutes 2020, section 203B.121, subdivision 2, is amended to read:

89.24 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
89.25 shall take possession of all ~~return~~ signature envelopes delivered to them in accordance with
89.26 section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district
89.27 clerk, two or more members of the ballot board shall examine each ~~return~~ signature envelope
89.28 and shall mark it accepted or rejected in the manner provided in this subdivision. Election
89.29 judges performing the duties in this section must be of different major political parties,
89.30 unless they are exempt from that requirement under section 205.075, subdivision 4, or
89.31 section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the ~~return~~ signature envelope "Accepted" and initial or sign the ~~return~~ signature envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the ~~return~~ signature envelope are the same as the information provided on the absentee ballot application;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as a number on the voter's absentee ballot application or voter record. If the number does not match, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct ~~or has included a properly completed voter registration application in the return envelope;~~

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.

The ~~return~~ signature envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a ~~return~~ signature envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the ~~return~~ signature envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the ~~security~~ secrecy envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and ~~return~~ signature envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

91.1 (d) The official in charge of the absentee ballot board must mail the voter a written notice
91.2 of absentee ballot rejection between six and ten weeks following the election. If the official
91.3 determines that the voter has otherwise cast a ballot in the election, no notice is required.
91.4 If an absentee ballot arrives after the deadline for submission provided by this chapter, the
91.5 notice must be provided between six to ten weeks after receipt of the ballot. A notice of
91.6 absentee ballot rejection must contain the following information:

91.7 (1) the date on which the absentee ballot was rejected or, if the ballot was received after
91.8 the required deadline for submission, the date on which the ballot was received;

91.9 (2) the reason for rejection; and

91.10 (3) the name of the appropriate election official to whom the voter may direct further
91.11 questions, along with appropriate contact information.

91.12 (e) An absentee ballot ~~return~~ signature envelope marked "Rejected" may not be opened
91.13 or subject to further review except in an election contest filed pursuant to chapter 209.

91.14 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
91.15 on or after that date.

91.16 Sec. 22. Minnesota Statutes 2020, section 203B.121, subdivision 4, is amended to read:

91.17 Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before
91.18 the election, the ballots from ~~return~~ secrecy envelopes within the signature envelopes marked
91.19 "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86,
91.20 subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate
91.21 ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must
91.22 be returned in the manner provided by section 204C.25 for return of spoiled ballots, and
91.23 may not be counted.

91.24 Sec. 23. Minnesota Statutes 2020, section 203B.24, subdivision 1, is amended to read:

91.25 Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt
91.26 of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election
91.27 judges shall compare the voter's name with the names recorded under section 203B.19 in
91.28 the statewide registration system to insure that the ballot is from a voter eligible to cast an
91.29 absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the ~~return~~
91.30 signature envelope "Accepted" and initial or sign the ~~return~~ signature envelope below the
91.31 word "Accepted" if the election judges are satisfied that:

92.1 (1) the voter's name and address on the ~~return~~ signature envelope appears in substantially
92.2 the same form as on the application records provided to the election judges by the county
92.3 auditor;

92.4 (2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the
92.5 Help America Vote Act, Public Law 107-252;

92.6 (3) the voter has set forth the same voter's passport number, or Minnesota driver's license
92.7 or state identification card number, or the last four digits of the voter's Social Security
92.8 number as submitted on the application, if the voter has one of these documents;

92.9 (4) the voter is not known to have died; and

92.10 (5) the voter has not already voted at that election, either in person or by absentee ballot.

92.11 If the identification number described in clause (3) does not match the number as
92.12 submitted on the application, the election judges must make a reasonable effort to satisfy
92.13 themselves through other information provided by the applicant, or by an individual
92.14 authorized to apply on behalf of the voter, that the ballots were returned by the same person
92.15 to whom the ballots were transmitted.

92.16 An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected
92.17 for the lack of one of clauses (1) to (5). In particular, failure to place the ballot within the
92.18 ~~security~~ secrecy envelope before placing it in the outer white envelope is not a reason to
92.19 reject an absentee ballot.

92.20 Election judges must note the reason for rejection on the back of the envelope in the
92.21 space provided for that purpose.

92.22 Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall
92.23 not be counted if the certificate on the return envelope is not properly executed. In all other
92.24 respects the provisions of the Minnesota Election Law governing deposit and counting of
92.25 ballots shall apply. Notwithstanding other provisions of this section, the counting of the
92.26 absentee ballot of a deceased voter does not invalidate the election.

92.27 Sec. 24. Minnesota Statutes 2020, section 204B.09, subdivision 3, is amended to read:

92.28 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who
92.29 wants write-in votes for the candidate to be counted must file a written request with the
92.30 filing office for the office sought not more than 84 days before the primary and no later
92.31 than the seventh day before the general election. The filing officer shall provide copies of

93.1 the form to make the request. ~~No~~ The filing officer shall not accept a written request shall
 93.2 ~~be accepted~~ later than 5:00 p.m. on the last day for filing a written request.

93.3 (b) A candidate for president of the United States who files a request under this
 93.4 subdivision must ~~include the name of a candidate for vice president of the United States.~~
 93.5 file jointly with another individual seeking nomination as a candidate for vice president of
 93.6 the United States. A candidate for vice president of the United States who files a request
 93.7 under this subdivision must file jointly with another individual seeking nomination as a
 93.8 candidate for president of the United States. The request must also include the name of at
 93.9 least one candidate for presidential elector. The total number of names of candidates for
 93.10 presidential elector on the request may not exceed the total number of electoral votes to be
 93.11 cast by Minnesota in the presidential election.

93.12 (c) A candidate for governor who files a request under this subdivision must ~~include the~~
 93.13 ~~name of a candidate for lieutenant governor.~~ file jointly with another individual seeking
 93.14 nomination as a candidate for lieutenant governor. A candidate for lieutenant governor who
 93.15 files a request under this subdivision must file jointly with another individual seeking
 93.16 nomination as a candidate for governor.

93.17 Sec. 25. Minnesota Statutes 2020, section 204B.14, subdivision 3, is amended to read:

93.18 Subd. 3. **Boundary changes; prohibitions; exception.** (a) Notwithstanding other law
 93.19 or charter provisions to the contrary, during the period from January 1 in any year ending
 93.20 in zero to the time when the legislature has been redistricted in a year ending in one or two,
 93.21 no changes may be made in the boundaries of any election precinct except as provided in
 93.22 this subdivision.

93.23 ~~(a)~~ (b) If a city annexes an unincorporated area located in the same county as the city
 93.24 and adjacent to the corporate boundary, the annexed area may be included in an election
 93.25 precinct immediately adjacent to it.

93.26 ~~(b)~~ (c) A municipality or county may establish new election precincts lying entirely
 93.27 within the boundaries of any existing precinct and shall assign names to the new precincts
 93.28 which include the name of the former precinct.

93.29 ~~(c)~~ (d) Precinct boundaries in a city of the first class electing council members by wards
 93.30 may be reestablished within four weeks of the adoption of ward boundaries in a year ending
 93.31 in one, as provided in section 204B.135, subdivision 1. If precinct boundaries are
 93.32 reestablished in a year ending in one, the city council must designate polling places for each

94.1 election precinct pursuant to section 204B.16, subdivision 1, within 30 days establishing
94.2 precinct boundaries. The polling place designations are effective for the year ending in one.

94.3 ~~(d)~~ (e) Precinct boundaries must be reestablished within 60 days of the time when the
94.4 legislature has been redistricted, or at least 19 weeks before the state primary election in a
94.5 year ending in two, whichever comes first. The governing body of each municipality and
94.6 of each county with precincts in unorganized territory must designate polling places for
94.7 each election precinct pursuant to section 204B.16, subdivision 1, within 30 days of
94.8 establishing precinct boundaries or at least 19 weeks before the state primary election in a
94.9 year ending in two, whichever comes first. The adoption of reestablished precinct boundaries
94.10 and polling places becomes effective on the date of the state primary election in the year
94.11 ending in two.

94.12 (f) Precincts must be arranged so that no precinct lies in more than one legislative or
94.13 congressional district.

94.14 Sec. 26. Minnesota Statutes 2020, section 204B.16, subdivision 1, is amended to read:

94.15 Subdivision 1. **Authority; location.** By December 31 of each year, the governing body
94.16 of each municipality and of each county with precincts in unorganized territory must
94.17 designate by ordinance or resolution a polling place for each election precinct. The polling
94.18 places designated in the ordinance or resolution are the polling places for the following
94.19 calendar year, unless a change is made:

94.20 (1) pursuant to section 204B.175;

94.21 (2) because a polling place has become unavailable; ~~or~~

94.22 (3) because a township designates one location for all state and federal elections and
94.23 one location for all township only elections; and

94.24 (4) pursuant to section 204B.14, subdivision 3.

94.25 (b) Polling places must be designated and ballots must be distributed so that no one is
94.26 required to go to more than one polling place to vote in a school district and municipal
94.27 election held on the same day. The polling place for a precinct in a city or in a school district
94.28 located in whole or in part in the metropolitan area defined by section 200.02, subdivision
94.29 24, shall be located within the boundaries of the precinct or within one mile of one of those
94.30 boundaries unless a single polling place is designated for a city pursuant to section 204B.14,
94.31 subdivision 2, or a school district pursuant to section 205A.11. The polling place for a
94.32 precinct in unorganized territory may be located outside the precinct at a place which is
94.33 convenient to the voters of the precinct. If no suitable place is available within a town or

95.1 within a school district located outside the metropolitan area defined by section 200.02,
95.2 subdivision 24, then the polling place for a town or school district may be located outside
95.3 the town or school district within five miles of one of the boundaries of the town or school
95.4 district.

95.5 Sec. 27. Minnesota Statutes 2020, section 204B.21, is amended by adding a subdivision
95.6 to read:

95.7 Subd. 4. **Election judge list; party affiliation.** (a) Notwithstanding section 13.43, the
95.8 municipal clerk or county auditor must submit to the secretary of state a list of each person
95.9 who served as an election judge for an election. The list must be submitted to the secretary
95.10 of state within 14 days after an election. The list must include the following information
95.11 for each election judge:

95.12 (1) name;

95.13 (2) address;

95.14 (3) whether the election judge was appointed from a list provided by a major political
95.15 party or from another source; if the election judge was appointed from another source, the
95.16 list must include a description of that source; and

95.17 (4) whether the election judge was affiliated with a major political party and, if so, which
95.18 party.

95.19 (b) Notwithstanding section 13.43, the secretary of state must provide a list of politically
95.20 affiliated election judges to the chair of the respective major political party. The lists must
95.21 be provided to the chairs between 14 and 21 days after an election. The information on the
95.22 lists must be used only for purposes related to elections or political activity.

95.23 Sec. 28. Minnesota Statutes 2020, section 204B.36, subdivision 2, is amended to read:

95.24 Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right
95.25 angle to the length of the ballot. At a general election the name of the political party or the
95.26 political principle of each candidate for partisan office shall be printed above or below the
95.27 name of the candidate. The name of a political party or a political principle shall be printed
95.28 in capital and lowercase letters of the same type, with the capital letters at least one-half the
95.29 height of the capital letters used for names of the candidates. At a general or special election,
95.30 blank lines containing the words "write-in, if any" shall be printed below the name of the
95.31 last candidate for each office, or below the title of the office if no candidate has filed for
95.32 that office, so that a voter may write in the names of individuals whose names are not on

96.1 the ballot. One blank line shall be printed for each officer of that kind to be elected. At a
96.2 primary election, no blank lines shall be provided for writing in the names of individuals
96.3 whose names do not appear on the primary ballot.

96.4 On the left side of the ballot at the same level with the name of each candidate and each
96.5 blank line shall be printed an oval or similar target shape in which the voter may designate
96.6 a vote by filling in the oval or similar mark if a different target shape is used. Each oval or
96.7 target shape shall be the same size. Above the first name on each ballot shall be instructions
96.8 for voting. Directly underneath the official title of each office shall be printed the words
96.9 "Vote for one" or "Vote for up to ..." (any greater number to be elected).

96.10 Sec. 29. **[204B.50] RANKED-CHOICE VOTING; PROHIBITION.**

96.11 (a) The following political subdivisions may not adopt or enforce in any manner a rule,
96.12 resolution, charter provision, or ordinance establishing ranked-choice voting as a method
96.13 of voting, or any voting method similar to ranked-choice voting, for local offices within the
96.14 political subdivision:

96.15 (1) home rule charter or statutory cities;

96.16 (2) counties;

96.17 (3) townships; and

96.18 (4) school districts.

96.19 (b) For purposes of this section, "ranked-choice voting" means any election method in
96.20 which a voter ranks or assigns a numerical value to candidates for an office in order of the
96.21 voter's preference.

96.22 (c) Any rule, resolution, charter provision, or ordinance inconsistent with this section is
96.23 void.

96.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and
96.25 applies to elections on or after that date.

96.26 Sec. 30. Minnesota Statutes 2020, section 204C.05, subdivision 1a, is amended to read:

96.27 Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500
96.28 inhabitants according to the most recent federal decennial census, which is located outside
96.29 the metropolitan area as defined in section 200.02, subdivision 24, may fix a later time for
96.30 voting to begin at state primary, special, or general elections, if approved by a vote of the
96.31 town electors at the annual town meeting. The question of shorter voting hours must be

included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall either post or publish notice of the changed hours and notify the county auditor and the secretary of state of the change 30 days before the election.

Sec. 31. Minnesota Statutes 2020, section 204C.05, subdivision 1b, is amended to read:

Subd. 1b. **Elections; unorganized territory.** An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours if at least 20 percent of the registered voters residing in the voting district sign a petition for shorter hours and present it to the county auditor and secretary of state at least 30 days before the election. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The county auditor shall either post or publish notice of the changed hours, within the voting district, 30 days before the election.

Sec. 32. Minnesota Statutes 2020, section 204C.10, is amended to read:

**204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;
VOTER RECEIPT.**

(a) An individual seeking to vote shall sign a polling place roster or voter signature certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) At the presidential nomination primary, the polling place roster must also state: "I am in general agreement with the principles of the party for whose candidate I intend to vote." This statement must appear separately from the statements required in paragraph (a). The felony penalty provided for in paragraph (a) does not apply to this paragraph.

(c) ~~A judge may,~~ Before the applicant signs the roster or voter signature certificate, an election judge must confirm the applicant's name, address, and date of birth. If the voter's registration status is challenged, the voter must not be allowed to sign the polling place

98.1 roster or a voter signature certificate, but must be allowed to cast an administrative challenged
 98.2 ballot or a verification challenged ballot pursuant to section 204C.136. A voter must be
 98.3 allowed to cast an administrative challenged ballot if the basis of the challenge is:

98.4 (1) based on a death reported by the commissioner of health;

98.5 (2) a name change recorded with a court in state;

98.6 (3) a Minnesota court order revoking the person's right to vote or where the court has
 98.7 found the person to be legally incompetent to vote;

98.8 (4) a felony conviction; or

98.9 (5) a temporary lawful status in the county based on a person's driver's license status.

98.10 A voter must be allowed to cast a verification challenged ballot if the challenge is for any
 98.11 other reason.

98.12 (d) After the applicant signs the roster or voter signature certificate, the judge shall give
 98.13 the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in
 98.14 charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to
 98.15 the voter the ballot. The voters' receipts must be maintained during the time for notice of
 98.16 filing an election contest.

98.17 (e) ~~Whenever a challenged status appears on the polling place roster,~~ If a voter has a
 98.18 challenged status in the statewide voter registration system at the time the roster was prepared,
 98.19 the voter's challenged status must be indicated on the roster. The roster must also include
 98.20 the basis for the challenge. An election judge must ensure that the challenge is concealed
 98.21 or hidden from the view of any voter other than the voter whose status is challenged.

98.22 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
 98.23 on or after that date.

98.24 Sec. 33. Minnesota Statutes 2020, section 204C.12, subdivision 2, is amended to read:

98.25 Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state. The
 98.26 secretary of state shall prepare a form that challengers must complete and sign when making
 98.27 a challenge. The form must include space to state the ground for the challenge, a statement
 98.28 that the challenge is based on the challenger's personal knowledge, and a statement that the
 98.29 challenge is made under oath. The form must include a space for the challenger's printed
 98.30 name, signature, telephone number, and address.

98.31 ~~An election judge shall administer to the challenged individual the following oath:~~

~~"Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"~~

~~The election judge shall then ask the challenged individual sufficient questions to test that individual's residence and right to vote.~~

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 34. **[204C.135] PROVISIONAL BALLOTS.**

Subdivision 1. **Casting provisional ballots.** (a) A voter who registered on election day pursuant to section 201.061, subdivision 3, is entitled to cast a provisional ballot.

(b) A voter seeking to cast a provisional ballot must sign a provisional ballot roster or a provisional voter signature certificate and complete a voter registration application. The voter registration application may be completed by an electronic roster and affixed to the provisional ballot envelope. The voter must also swear or affirm in writing that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

(c) Once the voter has completed the provisional ballot envelope, the voter must be allowed to cast a provisional ballot. The provisional ballot must be in the same form as the official ballot available in the precinct on election day. A completed provisional ballot shall be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot box. Completed provisional ballots must not be combined with other voted ballots in the polling place.

(d) The secretary of state must prescribe the form of the secrecy and provisional ballot envelopes. The provisional ballot envelope must be a color other than that provided for absentee ballot envelopes or challenged ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."

(e) Provisional ballots and related documentation shall be delivered to and securely maintained by the county auditor or municipal clerk in the same manner as required for other election materials under sections 204C.27 and 204C.28.

Subd. 2. **Accepting or rejecting provisional ballot envelopes.** (a) Within seven days after the election, two or more election judges that are affiliated with different major political parties must process each applicant's registration application as provided by section 201.121, subdivisions 1 and 2. If more than two election judges are processing registration applications,

100.1 the party balance requirements of section 204B.19, subdivision 5, apply. All election judges
100.2 processing voter registration applications must have a major political party affiliation. If
100.3 the applicant is registered to vote, then the election judges must determine if the voter's
100.4 status is challenged in the statewide voter registration system. If the voter's status is
100.5 challenged, the provisional ballot must not be accepted but must be processed as a challenged
100.6 ballot as provided in section 204C.136, subdivision 2. If the ballot will be treated as a
100.7 verification challenged ballot, the election judges must attempt to contact the voter to inform
100.8 the voter they must appear in-person to prove their eligibility to vote before their ballot will
100.9 be counted. If the applicant is registered to vote and the voter's status is not challenged in
100.10 the statewide voter registration system, that voter's provisional ballot envelope must be
100.11 accepted. The election judges must mark the provisional ballot envelope "Accepted" and
100.12 initial or sign the envelope below the word "Accepted." If the applicant is not registered to
100.13 vote, the provisional ballot envelope must be rejected. If a provisional ballot envelope is
100.14 rejected, the election judges must mark the provisional ballot envelope "Rejected," initial
100.15 or sign it below the word "Rejected," and list the reason for rejection on the envelope. The
100.16 election judges must promptly record in the statewide voter registration system that a voter's
100.17 provisional ballot envelope has been accepted or rejected.

100.18 (b) The county auditor or municipal clerk must mail the voter a written notice of
100.19 provisional ballot rejection between six and ten weeks following the election. The notice
100.20 must include the reason for rejection and the name of the appropriate election official to
100.21 whom the voter may direct further questions, along with appropriate contact information.

100.22 (c) A provisional ballot envelope marked "Rejected" may not be opened or subject to
100.23 further review except in an election contest filed pursuant to chapter 209.

100.24 Subd. 3. **Provisional ballots; reconciliation.** On the seventh day after the election and
100.25 prior to counting any provisional ballots in the final vote totals from a precinct, the two or
100.26 more election judges that are affiliated with different major political parties must verify that
100.27 the number of signatures appearing on the provisional ballot roster from that precinct is
100.28 equal to or greater than the number of provisional ballots submitted by voters in the precinct
100.29 on election day. If more than two election judges are reconciling ballots, the party balance
100.30 requirements of section 204B.19, subdivision 5, apply. All election judges must have a
100.31 major political party affiliation. Any discrepancy must be resolved before the provisional
100.32 ballots from the precinct may be counted. Excess provisional ballots must be randomly
100.33 withdrawn from the accepted provisional ballots in the manner required by section 204C.20,
100.34 subdivision 2.

Subd. 4. **Counting provisional ballots.** Once the reconciliation process required by subdivision 3 is completed, accepted provisional ballot envelopes must be opened; duplicated as needed in the manner provided in section 206.86, subdivision 5; initialed by the election judges; and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be spoiled and must not be counted.

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 35. [204C.136] CHALLENGED BALLOTS.

Subdivision 1. **Casting challenged ballots.** (a) A voter whose registration status is challenged is entitled to cast a challenged ballot. A voter must be allowed to cast an administrative challenged ballot if the basis of the challenge is:

(1) based on a death reported by the commissioner of health;

(2) a name change recorded with a court in state;

(3) a Minnesota court order revoking the person's right to vote or where the court has found the person to be legally incompetent to vote;

(4) a felony conviction; or

(5) a temporary lawful status in the county based on a person's driver's license status.

A voter must be allowed to cast a verification challenged ballot if the challenge is for any other reason. For purposes of this section, both types of challenged ballots are handled the in the same manner except where otherwise specified.

(b) A voter seeking to cast a challenged ballot must sign a challenged ballot roster or a challenged voter signature certificate and complete a challenged ballot envelope. The roster must indicate whether the voter is provided with an administrative challenged ballot or a verification challenged ballot. The envelope must contain a space for the voter to list the voter's name, address of residence, date of birth, voter identification number, and any other information prescribed by the secretary of state. The voter must also swear or affirm, in writing, that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

(c) Once the voter has completed the challenged ballot envelope, the voter must be allowed to cast a challenged ballot. The challenged ballot must be in the same form as the official ballot available in the precinct on election day. A completed challenged ballot shall be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's

102.1 challenged ballot envelope and deposited by the voter in a secure, sealed challenged ballot
102.2 box. There must be separate ballot boxes for administrative challenged ballot envelopes
102.3 and verification challenged ballot envelopes. Completed challenged ballots may not be
102.4 combined with other voted ballots in the polling place.

102.5 (d) The form of the secrecy and challenged ballot envelopes shall be prescribed by the
102.6 secretary of state. The administrative challenged ballot envelopes and verification challenged
102.7 ballot envelopes must be different colors and must be a color other than that provided for
102.8 absentee ballot envelopes or provisional ballot envelopes and must be prominently labeled
102.9 "Administrative Challenged Ballot Envelope" or "Verification Challenged Envelope."

102.10 (e) Challenged ballots and related documentation shall be delivered to and securely
102.11 maintained by the county auditor or municipal clerk in the same manner as required for
102.12 other election materials under sections 204C.27 and 204C.28.

102.13 Subd. 2. **Accepting or rejecting challenged ballot envelopes.** (a) This paragraph applies
102.14 to accepting or rejecting administrative challenged ballot envelopes. Before the meeting of
102.15 the canvassing board, the two or more election judges that are affiliated with different major
102.16 political parties must accept or reject each challenged ballot. If more than two election
102.17 judges are processing registration applications, the party balance requirements of section
102.18 204B.19, subdivision 5, apply. All election judges processing voter registration applications
102.19 must have a major political party affiliation. The election judges must review the information
102.20 in the statewide voter registration system, required by section 201.145, subdivision 1,
102.21 paragraph (b), for the date of the election. If the information shows that the voter was not
102.22 challenged, or should not have been challenged on that date and was otherwise eligible to
102.23 vote, that voter's challenged ballot must be accepted. The election judges must mark the
102.24 challenged ballot envelope "Accepted" and initial or sign the envelope below the word
102.25 "Accepted." If a challenged ballot envelope is not accepted, the election judges must mark
102.26 the challenged ballot envelope "Rejected," initial or sign it below the word "Rejected," and
102.27 list the reason for the rejection on the envelope. The election judges must promptly record
102.28 in the statewide voter registration system that a voter's challenged ballot has been accepted
102.29 or rejected.

102.30 (b) This paragraph applies to accepting or rejecting verification challenged ballot
102.31 envelopes. A voter who casts a verification challenged ballot may personally appear at the
102.32 office of the county auditor or municipal clerk no later than seven calendar days following
102.33 the election to prove that the voter's challenged ballot should be counted. The county auditor's
102.34 office and the city clerk's office must be open for approving verification challenged ballots
102.35 on the Saturday following the election for the hours prescribed in section 203B.085. The

103.1 voter must provide proof of eligibility to vote in the precinct where the voter cast the
103.2 verification challenged ballot. Two or more election judges that are affiliated with different
103.3 major political parties must review the voter's proof of eligibility. If more than two election
103.4 judges are reviewing eligibility, the party balance requirements of section 204B.19,
103.5 subdivision 5, apply. All election judges processing voter registration applications must
103.6 have a major political party affiliation. The election judges must accept a challenged ballot
103.7 if the voter is able to provide satisfactory proof of the voter's eligibility. The election judges
103.8 must mark the challenged ballot envelope "Accepted" and initial or sign the envelope below
103.9 the word "Accepted." If a challenged ballot envelope is not accepted, the election judges
103.10 must mark the challenged ballot envelope "Rejected," initial or sign it below the word
103.11 "Rejected," and list the reason for the rejection on the envelope. The election judges must
103.12 promptly record in the statewide voter registration system that a voter's challenged ballot
103.13 has been accepted or rejected.

103.14 (c) The county auditor or municipal clerk must mail the voter a written notice of
103.15 challenged ballot rejection between six and ten weeks following the election. The notice
103.16 must include the reason for rejection and the name of the appropriate election official to
103.17 whom the voter may direct further questions, along with appropriate contact information.

103.18 (d) A challenged ballot envelope marked "Rejected" may not be opened or subject to
103.19 further review except in an election contest filed pursuant to chapter 209.

103.20 Subd. 3. **Challenged ballots; reconciliation.** Prior to counting any challenged ballots
103.21 in the final vote totals from a precinct, the two or more election judges that are affiliated
103.22 with different major political parties must verify that the number of signatures appearing
103.23 on the challenged ballot roster from that precinct is equal to or greater than the number of
103.24 challenged ballots submitted by voters in the precinct on election day. If more than two
103.25 election judges are reconciling ballots, the party balance requirements of section 204B.19,
103.26 subdivision 5, apply. All election judges must have a major political party affiliation. Any
103.27 discrepancy must be resolved before the challenged ballots from the precinct may be counted.
103.28 Excess challenged ballots to be counted must be randomly withdrawn in the manner required
103.29 by section 204C.20, subdivision 2.

103.30 Subd. 4. **Counting challenged ballots.** Accepted challenged ballot envelopes must be
103.31 opened, duplicated as needed in the manner provided in section 206.86, subdivision 5,
103.32 initialed by the election judges, and deposited in the appropriate ballot box. If more than
103.33 one ballot is enclosed in the ballot envelope, the ballots must be spoiled and must not be
103.34 counted.

104.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
104.2 on or after that date.

104.3 Sec. 36. **[204C.137] PROVISIONAL AND CHALLENGED BALLOTS; PUBLIC**
104.4 **INFORMATION LISTS.**

104.5 On the eighth day after the election, the following information must be made available
104.6 for public inspection:

104.7 (1) the names of all voters who cast provisional ballots;

104.8 (2) the names of all voters whose provisional ballot were rejected;

104.9 (3) the names of all voters who cast challenged ballots and whether the ballot was an
104.10 administrative challenged ballot or a verification challenged ballot; and

104.11 (4) the names of all voters whose challenge ballots were rejected.

104.12 This information must be available to the public in the same manner as public information
104.13 lists in section 201.091, subdivisions 4, 5, and 9.

104.14 Sec. 37. Minnesota Statutes 2020, section 204C.21, subdivision 1, is amended to read:

104.15 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
104.16 and count the votes cast for each office or question, beginning with the first office or question
104.17 on the ballot. They shall make one pile of the ballots for each candidate who received votes
104.18 for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question.
104.19 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They
104.20 shall make a pile of ballots that are not totally defective but are defective with respect to
104.21 the office or question being counted and a pile of ballots that are not totally blank but are
104.22 blank with respect to the office or question being counted. After the separation into piles,
104.23 the election judges shall examine each pile and remove and place in the proper pile any
104.24 ballots that are found in the wrong pile. The election judges shall count the totally blank
104.25 and totally defective ballots and set them aside until the counting is over for that ballot. In
104.26 conducting the count of blank ballots, election judges may presume that the total count
104.27 provided for sealed prepackaged ballots is correct. The election judges may pile ballots
104.28 crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree,
104.29 the election judges shall announce the number of ballots in each pile, and shall write the
104.30 number in the proper place on the summary statements.

105.1 The election judges shall then return all the counted ballots, and all the partially defective
105.2 or partially blank ballots, to the original pile to be separated and counted in the same manner
105.3 for the next office or question.

105.4 Sec. 38. Minnesota Statutes 2020, section 204C.24, is amended by adding a subdivision
105.5 to read:

105.6 Subd. 3. **Copy to candidates.** Upon request of a candidate or a candidate's representative,
105.7 an election judge must provide a copy of the summary statement or printed tape results to
105.8 the candidate or representative.

105.9 Sec. 39. Minnesota Statutes 2020, section 204C.27, is amended to read:

105.10 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

105.11 One or more of the election judges in each precinct shall deliver ~~two sets~~ one set of
105.12 summary statements; all spoiled ballots; and the envelopes containing the ballots either
105.13 directly to the municipal clerk for transmittal to the county auditor's office or directly to the
105.14 county auditor's office as soon as possible after the vote counting is completed but no later
105.15 than 24 hours after the end of the hours for voting. One or more election judges shall deliver
105.16 the remaining set of summary statements and returns, all unused and spoiled municipal and
105.17 school district ballots, the envelopes containing municipal and school district ballots, and
105.18 all other things furnished by the municipal or school district clerk, to the municipal or school
105.19 district clerk's office within 24 hours after the end of the hours for voting. The municipal
105.20 or school district clerk shall return all polling place rosters and completed voter registration
105.21 cards to the county auditor within 48 hours after the end of the hours for voting.

105.22 Sec. 40. Minnesota Statutes 2020, section 204C.32, is amended to read:

105.23 **204C.32 CANVASS OF STATE PRIMARIES.**

105.24 Subdivision 1. **County canvass.** The county canvassing board shall meet at the county
105.25 auditor's office on ~~either the second or third~~ the tenth day following the state primary. After
105.26 taking the oath of office, the canvassing board shall publicly canvass the election returns
105.27 delivered to the county auditor. The board shall complete the canvass by the ~~third~~ tenth day
105.28 following the state primary and shall promptly prepare and file with the county auditor a
105.29 report that states:

105.30 (a) the number of individuals voting at the election in the county, and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) the names of the candidates of each major political party who are nominated; and

(e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Subd. 2. **State canvass.** The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area ~~seven~~ 14 days after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors. The secretary of state shall mail to each nominee a notice of nomination.

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 41. Minnesota Statutes 2020, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office between the ~~third~~ tenth and ~~tenth~~ 17th days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

107.1 (d) the number of votes counted for and against a proposed change of county lines or
107.2 county seat; and

107.3 (e) the number of votes counted for and against a constitutional amendment or other
107.4 question in the county and in each precinct.

107.5 The result of write-in votes cast on the general election ballots must be compiled by the
107.6 county auditor before the county canvass, except that write-in votes for a candidate for
107.7 federal, state, or county office must not be counted unless the candidate has timely filed a
107.8 request under section 204B.09, subdivision 3. The county auditor shall arrange for each
107.9 municipality to provide an adequate number of election judges to perform this duty or the
107.10 county auditor may appoint additional election judges for this purpose. The county auditor
107.11 may open the envelopes or containers in which the voted ballots have been sealed in order
107.12 to count and record the write-in votes and must reseal the voted ballots at the conclusion of
107.13 this process. The county auditor must prepare a separate report of votes received by precinct
107.14 for write-in candidates for federal, state, and county offices who have requested under
107.15 section 204B.09 that votes for those candidates be tallied.

107.16 Upon completion of the canvass, the county canvassing board shall declare the candidate
107.17 duly elected who received the highest number of votes for each county and state office voted
107.18 for only within the county. The county auditor shall transmit a certified copy of the county
107.19 canvassing board report for state and federal offices to the secretary of state by messenger,
107.20 express mail, or similar service immediately upon conclusion of the county canvass.

107.21 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
107.22 on or after that date.

107.23 Sec. 42. Minnesota Statutes 2020, section 204C.36, subdivision 1, is amended to read:

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

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

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

108.18 (d) Candidates for county offices shall file a written request for the recount with the
108.19 county auditor. Candidates for municipal or school district offices shall file a written request
108.20 with the municipal or school district clerk as appropriate. All requests under this paragraph
108.21 shall be filed by between the close of the canvass of a primary or special primary and 5:00
108.22 p.m. on the fifth day after the canvass of a primary or special primary or by between the
108.23 close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the
108.24 canvass of a special or general election for which a recount is sought.

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

108.30 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
108.31 on or after that date.

109.1 Sec. 43. Minnesota Statutes 2020, section 204C.37, is amended to read:

109.2 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
109.3 **STATE.**

109.4 A copy of the report required by sections 204C.32, subdivision 1, and 204C.33,
109.5 subdivision 1, shall be certified under the official seal of the county auditor. The copy shall
109.6 be enclosed in an envelope addressed to the secretary of state, with the county auditor's
109.7 name and official address and the words "Election Returns" endorsed on the envelope. The
109.8 copy of the canvassing board report must be sent by express mail or delivered to the secretary
109.9 of state. If the copy is not received by the secretary of state within ~~ten~~ 17 days following
109.10 ~~the applicable election~~ a primary election, or within 24 days following a general election,
109.11 the secretary of state shall immediately notify the county auditor, who shall deliver another
109.12 copy to the secretary of state by special messenger.

109.13 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
109.14 on or after that date.

109.15 Sec. 44. Minnesota Statutes 2020, section 204D.08, subdivision 4, is amended to read:

109.16 Subd. 4. **State partisan primary ballot; party columns.** The state partisan primary
109.17 ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be
109.18 printed on white paper. There must be at least three vertical columns on the ballot and each
109.19 major political party shall have a separate column headed by the words "..... Party,"
109.20 giving the party name. Above the party names, the following statement shall be printed.

109.21 "Minnesota Election Law permits you to vote for the candidates of only one political
109.22 party in a state partisan primary election."

109.23 If there are only two major political parties to be listed on the ballot, one party must
109.24 occupy the left-hand column, the other party must occupy the right-hand column, and the
109.25 center column must contain the following statement:

109.26 "Do not vote for candidates of more than one party."

109.27 The names of the candidates seeking the nomination of each major political party shall
109.28 be listed in that party's column. If only one individual files an affidavit of candidacy seeking
109.29 the nomination of a major political party for an office, the name of that individual shall be
109.30 placed on the state partisan primary ballot at the appropriate location in that party's column.

109.31 In each column, the candidates for senator in Congress shall be listed first, candidates
109.32 for representative in Congress second, candidates for state senator third, candidates for state

110.1 representative fourth and then candidates for state office in the order specified by the secretary
110.2 of state. Vacant offices being filled by special election must be listed with other offices of
110.3 that type, but after any office of that type for which a candidate will be elected for a full
110.4 term.

110.5 The party columns shall be substantially the same in width, type, and appearance. The
110.6 columns shall be separated by a 12-point solid line.

110.7 Sec. 45. Minnesota Statutes 2020, section 204D.13, subdivision 1, is amended to read:

110.8 Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed on
110.9 the state general election ballot in the following order: senator in Congress shall be first;
110.10 representative in Congress, second; state senator, third; and state representative, fourth. The
110.11 candidates for state offices shall follow in the order specified by the secretary of state.
110.12 Candidates for governor and lieutenant governor shall appear so that a single vote may be
110.13 cast for both offices. Vacant offices being filled by special election must be listed with other
110.14 offices of that type, but after any office of that type for which a candidate will be elected
110.15 for a full term.

110.16 Sec. 46. Minnesota Statutes 2020, section 204D.195, is amended to read:

110.17 **204D.195 DATE OF SPECIAL ELECTION; CERTAIN TIMES PROHIBITED.**

110.18 Notwithstanding any other provision of law, a special primary and special general election
110.19 may not be held:

110.20 (1) for a period beginning the day following the date of the state primary election and
110.21 ending the day prior to the date of the state general election; or

110.22 (2) on a holiday, or during the four days before or after a holiday, as defined in section
110.23 645.44, subdivision 5.

110.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and
110.25 applies to special elections occurring on or after that date.

110.26 Sec. 47. Minnesota Statutes 2020, section 204D.27, subdivision 5, is amended to read:

110.27 Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than
110.28 four days after the returns of the county canvassing boards are certified to the secretary of
110.29 state, the State Canvassing Board shall complete its canvass of the special primary. The
110.30 secretary of state shall then promptly certify to the county auditors the names of the
110.31 nominated individuals, prepare notices of nomination, and notify each nominee of the

111.1 nomination. In case of a contest of a special primary for state senator or state representative,
111.2 the notice of contest must be filed within two days, excluding Sundays and legal holidays,
111.3 after the canvass is completed, and the contest shall otherwise proceed in the manner provided
111.4 by law for contesting elections.

111.5 Sec. 48. Minnesota Statutes 2020, section 204D.28, subdivision 9, is amended to read:

111.6 Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions
111.7 for candidates to fill a vacancy at a special election shall open 12 weeks before the special
111.8 primary or on the day the secretary of state issues notice of the special election, whichever
111.9 occurs later. Filings shall close ten weeks before the special primary. A candidate filing for
111.10 the office of United States senator to fill a vacancy at a special election when both offices
111.11 of United States senator are required to be placed on the same ballot must specify on the
111.12 affidavit of candidacy the expiration date of the term of the office that the candidate is
111.13 seeking.

111.14 Sec. 49. Minnesota Statutes 2020, section 204D.28, subdivision 10, is amended to read:

111.15 Subd. 10. **United States senator; candidates; designation of term.** When the names
111.16 of candidates for both offices of United States senator are required to be placed on the same
111.17 ballot, the expiration date of the term of each office shall be printed on the ballot in the
111.18 office heading opposite the name of each candidate for nomination or election to that office.

111.19 Sec. 50. Minnesota Statutes 2020, section 205.065, subdivision 5, is amended to read:

111.20 Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the
111.21 manner provided for the state primary so far as practicable. ~~The canvass may be conducted~~
111.22 ~~on either the second or third day after the primary.~~

111.23 The governing body of the municipality shall canvass the returns on the tenth day after
111.24 the primary, and the two candidates for each office who receive the highest number of votes,
111.25 or a number of candidates equal to twice the number of individuals to be elected to the
111.26 office, who receive the highest number of votes, shall be the nominees for the office named.
111.27 Their names shall be certified to the municipal clerk who shall place them on the municipal
111.28 general election ballot without partisan designation and without payment of an additional
111.29 fee.

111.30 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
111.31 on or after that date.

112.1 Sec. 51. Minnesota Statutes 2020, section 205.185, subdivision 3, is amended to read:

112.2 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between
112.3 the ~~third~~ tenth and ~~tenth~~ 17th days after an election, the governing body of a city conducting
112.4 any election including a special municipal election, or the governing body of a town
112.5 conducting the general election in November shall act as the canvassing board, canvass the
112.6 returns, and declare the results of the election. The governing body of a town conducting
112.7 the general election in March shall act as the canvassing board, canvass the returns, and
112.8 declare the results of the election within ~~two~~ nine days after an election.

112.9 (b) After the time for contesting elections has passed, the municipal clerk shall issue a
112.10 certificate of election to each successful candidate. In case of a contest, the certificate shall
112.11 not be issued until the outcome of the contest has been determined by the proper court.

112.12 (c) In case of a tie vote, the canvassing board having jurisdiction over the municipality
112.13 shall determine the result by lot. The clerk of the canvassing board shall certify the results
112.14 of the election to the county auditor, and the clerk shall be the final custodian of the ballots
112.15 and the returns of the election.

112.16 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
112.17 on or after that date.

112.18 Sec. 52. Minnesota Statutes 2020, section 205A.03, subdivision 4, is amended to read:

112.19 Subd. 4. **Results.** ~~(a) The school district primary must be conducted and the returns~~
112.20 ~~made in the manner provided for the state primary as far as practicable. If the primary is~~
112.21 ~~conducted:~~

112.22 ~~(1) only within that school district, a canvass may be conducted on either the second or~~
112.23 ~~third day after the primary; or~~

112.24 ~~(2) in conjunction with the state primary, the canvass must be conducted on the third~~
112.25 ~~day after the primary, except as otherwise provided in paragraph (b).~~

112.26 On the tenth day after the primary, the school board of the school district shall canvass
112.27 the returns, and the two candidates for each specified school board position who receive
112.28 the highest number of votes, or a number of candidates equal to twice the number of
112.29 individuals to be elected to at-large school board positions who receive the highest number
112.30 of votes, are the nominees for the office named. Their names must be certified to the school
112.31 district clerk who shall place them on the school district general election ballot without
112.32 partisan designation and without payment of an additional fee.

~~(b) Following a school district primary as described in paragraph (a), clause (2), a canvass may be conducted on the second day after the primary if the county auditor of each county in which the school district is located agrees to administratively review the school district's primary voting statistics for accuracy and completeness within a time that permits the canvass to be conducted on that day.~~

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 53. Minnesota Statutes 2020, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the ~~third~~ tenth and ~~tenth~~ 17th days after a school district election other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

A school district canvassing board shall perform the duties of the school board according to the requirements of this subdivision for a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59.

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to elections on or after that date.

Sec. 54. Minnesota Statutes 2020, section 206.805, subdivision 1, is amended to read:

Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance of the commissioner of administration, must establish one or more state voting systems contracts. The contracts should, if practical, include provisions for maintenance of the equipment purchased. The voting systems contracts must address precinct-based optical scan voting

equipment, assistive voting technology, automatic tabulating equipment, and electronic roster equipment. The contracts must give the state a perpetual license to use and modify the software. The contracts must include provisions to escrow the software source code, ~~as provided in subdivision 2.~~ Bids for voting systems and related election services must be solicited from each vendor selling or leasing voting systems that have been certified for use by the secretary of state. Bids for electronic roster equipment, software, and related services must be solicited from each vendor selling or leasing electronic roster equipment that meets the requirements of section 201.225, subdivision 2. The contracts must be renewed from time to time.

(b) Counties and municipalities may purchase or lease voting systems and obtain related election services from the state contracts. All counties and municipalities are members of the cooperative purchasing venture of the Department of Administration for the purpose of this section. For the purpose of township elections, counties must aggregate orders under contracts negotiated under this section for products and services and may apportion the costs of those products and services proportionally among the townships receiving the products and services. The county is not liable for the timely or accurate delivery of those products or services.

Sec. 55. Minnesota Statutes 2020, section 206.89, subdivision 4, is amended to read:

Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the results compiled by the voting system with the postelection review described in this section must show that the results of the electronic voting system differed ~~by no more than one-half of one percent~~ from the manual count of the offices reviewed by no more than two votes in a precinct where fewer than 1,200 voters cast ballots, three votes in a precinct where between 1,200 and 1,599 voters cast ballots, four votes in a precinct where between 1,600 and 1,999 voters cast ballots, or five votes in a precinct where 2,000 or more voters cast ballots. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct.

Sec. 56. Minnesota Statutes 2020, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts reveals a difference greater than ~~one-half of one percent, or greater than two votes in a precinct where 400 or fewer voters cast ballots~~ the thresholds specified in subdivision 4,

115.1 the postelection review official must, within two days, conduct an additional review of the
115.2 races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the
115.3 discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the
115.4 county auditor must immediately publicly select by lot at least three additional precincts
115.5 for review. The postelection review official must complete the additional review within two
115.6 days after the precincts are selected and report the results immediately to the county auditor.
115.7 If the second review in any of the reviewed precincts also indicates a difference in the vote
115.8 totals compiled by the voting system that is greater than ~~one-half of one percent from the~~
115.9 ~~result indicated by the postelection review, or greater than two votes in a precinct where~~
115.10 ~~400 or fewer voters cast ballots~~ the thresholds specified in subdivision 4, the county auditor
115.11 must conduct a review of the ballots from all the remaining precincts in the county for the
115.12 races indicated in subdivision 3. This review must be completed and the results must be
115.13 reported to the secretary of state within one week after the second review was completed.

115.14 (b) If the results from the countywide reviews from one or more counties comprising in
115.15 the aggregate more than ten percent of the total number of persons voting in the election
115.16 clearly indicate that an error in vote counting has occurred, the secretary of state must notify
115.17 the postelection review official of each county in the district that they must conduct manual
115.18 recounts of all the ballots in the district for the affected office using the procedure outlined
115.19 in section 204C.35. The recount must be completed and the results reported to the appropriate
115.20 canvassing board within two weeks after the postelection review official received notice
115.21 from the secretary of state.

115.22 Sec. 57. Minnesota Statutes 2020, section 206.90, subdivision 6, is amended to read:

115.23 Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on
115.24 which all ballot information is included must be printed in black ink on white colored
115.25 material except that marks not to be read by the automatic tabulating equipment may be
115.26 printed in another color ink. In state elections, a single ballot title must be used, as provided
115.27 in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. ~~In odd-numbered years~~
115.28 When both municipal and school district offices or questions appear on the ballot, the single
115.29 ballot title "City (or Town) and School District Ballot" must be used.

115.30 On the front of the ballot must be printed the words "Official Ballot" and the date of the
115.31 election and lines for the initials of at least two election judges.

115.32 When optical scan ballots are used, the offices to be elected must appear in the following
115.33 order: federal offices; state legislative offices; constitutional offices; proposed constitutional

116.1 amendments; county offices and questions; municipal offices and questions; school district
116.2 offices and questions; special district offices and questions; and judicial offices.

116.3 On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot
116.4 questions must be printed as close to their corresponding vote targets as possible.

116.5 The line on an optical scan ballot for write-in votes must contain the words "write-in,
116.6 if any."

116.7 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions
116.8 to voters must include a statement that reads substantially as follows: "This ballot card
116.9 contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted
116.10 to vote for candidates of one political party only." If a primary ballot contains political party
116.11 columns on both sides of the ballot, the instructions to voters must include a statement that
116.12 reads substantially as follows: "Additional political parties are printed on the other side of
116.13 this ballot. Vote for one political party only." At the bottom of each political party column
116.14 on the primary ballot, the ballot must contain a statement that reads substantially as follows:
116.15 "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision
116.16 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
116.17 ballot readers must follow the order of offices and questions on the optical scan or paper
116.18 ballot used in the same precinct, or the sample ballot posted for that precinct.

116.19 Sec. 58. **[206.93] AUDIT LOGS.**

116.20 (a) For purposes of this section, "audit log" means recorded information that allows a
116.21 person to see each action of the equipment, including transmitting data in any manner, in a
116.22 way that allows the person to verify or reconstruct the steps followed without compromising
116.23 the ballot or voter secrecy.

116.24 (b) Each ballot tabulator used in the state must maintain an audit log. A full copy of each
116.25 tabulator's audit log must be printed after the tabulation of election results on election night.
116.26 The printed copy of the log must be retained in the county auditor or municipal clerk's office
116.27 as provided in section 204B.40.

116.28 (c) Within 30 days of the state general election, the county auditor or municipal clerk
116.29 must provide to the secretary of state copies of the audit log from each tabulator used in the
116.30 state primary or the state general election. The secretary of state must compile the audit
116.31 logs and transmit them to the legislature by January 1 of each odd-numbered year.

117.1 Sec. 59. Minnesota Statutes 2020, section 207A.13, is amended to read:

117.2 **207A.13 FORM OF BALLOTS; CANDIDATES ON BALLOT.**

117.3 Subdivision 1. **Form.** (a) Except as provided by law, presidential nomination primary
117.4 ballots shall be printed in the same manner as state primary ballots as far as practicable. A
117.5 sufficient number of each ballot shall be printed for each precinct and ward in the state.

117.6 (b) There must be separate ballots for the names of the candidates of each participating
117.7 political party. Each ballot must be headed by the words "Presidential Nomination Primary
117.8 Ballot." The heading must also indicate the party that appears on the ballot.

117.9 (c) If requested by a party chair, the ballot for that participating party must contain a
117.10 place for a voter to indicate a preference for having delegates to the party's national
117.11 convention remain uncommitted. If requested by a party chair, the ballot for that participating
117.12 party must contain a blank line printed below the other choices on the ballot so that a voter
117.13 may write in the name of a person who is not listed on the ballot. A request under this
117.14 paragraph must be submitted to the secretary of state no later than 63 days before the
117.15 presidential nomination primary.

117.16 Subd. 2. **Candidates on the ballot.** (a) Each party participating in the presidential
117.17 nomination party must determine which candidates are to be placed on the presidential
117.18 nomination primary ballot for that party. The chair of each participating party must submit
117.19 to the secretary of state the names of the candidates to appear on the ballot for that party no
117.20 later than 63 days before the presidential nomination primary. Once submitted, changes
117.21 must not be made to the candidates that will appear on the ballot.

117.22 (b) No later than the seventh day before the presidential nomination primary, the chair
117.23 of each participating party must submit to the secretary of state the names of write-in
117.24 candidates, if any, to be counted for that party.

117.25 Sec. 60. Minnesota Statutes 2020, section 207A.14, subdivision 3, is amended to read:

117.26 Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential
117.27 nomination primary, each municipal clerk shall post a public notice stating the date of the
117.28 presidential nomination primary, the location of each polling place in the municipality, the
117.29 hours during which the polling places in the municipality will be open, and information
117.30 about the requirements of section 207A.12, paragraph (b), ~~including a notice that the voter's~~
117.31 ~~choice of a political party's ballot will be recorded and is public information.~~ The county
117.32 auditor shall post a similar notice in the auditor's office with information for any polling
117.33 places in unorganized territory in the county. The governing body of a municipality or

118.1 county may publish the notice in addition to posting it. Failure to give notice does not
118.2 invalidate the election.

118.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

118.4 Sec. 61. Minnesota Statutes 2020, section 208.03, is amended to read:

118.5 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

118.6 Presidential electors and alternates for the major political parties of this state shall be
118.7 nominated by delegate conventions called and held under the supervision of the respective
118.8 state central committees of the parties of this state. Each major political party shall nominate
118.9 one presidential elector from each congressional district and two presidential electors from
118.10 the state at large. At least 71 days before the general election day the chair of the major
118.11 political party shall certify to the secretary of state the names of the persons nominated as
118.12 presidential electors, the names of persons nominated as alternate presidential electors, and
118.13 the names of the party candidates for president and vice president. For each person nominated
118.14 as an elector or alternate elector, the chair shall indicate whether the person is nominated
118.15 as an at-large elector or is nominated to represent a congressional district. If the person is
118.16 nominated to represent a congressional district, the chair must indicate the congressional
118.17 district number for each nominee. The chair shall also certify that the party candidates for
118.18 president and vice president have no affidavit on file as a candidate for any office in this
118.19 state at the ensuing general election.

118.20 Sec. 62. Minnesota Statutes 2020, section 208.05, is amended to read:

118.21 **208.05 STATE CANVASSING BOARD.**

118.22 The State Canvassing Board at its meeting on the date provided in section 204C.33 shall
118.23 open and canvass the returns made to the secretary of state for presidential electors and
118.24 alternates, prepare a statement of the number of votes cast for the persons receiving votes
118.25 for these offices statewide and within each congressional district, and declare the person or
118.26 persons receiving the highest number of votes for each office duly elected, as follows:

118.27 (1) the statewide vote totals must be used to determine the persons elected to serve as
118.28 electors under the at-large designation; and

118.29 (2) the vote totals within each congressional district must be used to determine the person
118.30 elected to serve as an elector representing that district.

118.31 When it appears that more than the number of persons to be elected as presidential
118.32 electors or alternates have the highest and an equal number of votes, the secretary of state,

119.1 in the presence of the board shall decide by lot which of the persons shall be declared elected.
119.2 The governor shall transmit to each person declared elected a certificate of election, signed
119.3 by the governor, sealed with the state seal, and countersigned by the secretary of state.

119.4 Sec. 63. Minnesota Statutes 2020, section 367.25, subdivision 1, is amended to read:

119.5 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
119.6 a special election, or appointed to a town office, within ten days after receiving a certificate
119.7 or notice of election or appointment, shall take and subscribe the oath required by law.
119.8 Persons elected at a November election shall take their oath before assuming office. If taken
119.9 before the town clerk, the oath shall be administered and certified without fee.

119.10 Sec. 64. Minnesota Statutes 2020, section 412.02, subdivision 2a, is amended to read:

119.11 Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an
119.12 office shall be filled by council appointment until an election is held as provided in this
119.13 subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If
119.14 the vacancy occurs before the first day to file affidavits of candidacy for the next regular
119.15 city election and more than two years remain in the unexpired term, a special election shall
119.16 be held at or before the next regular city election and the appointed person shall serve until
119.17 the qualification of a successor elected at a special election to fill the unexpired portion of
119.18 the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for
119.19 the regular city election or when less than two years remain in the unexpired term, there
119.20 need not be a special election to fill the vacancy and the appointed person shall serve until
119.21 the qualification of a successor. The council must specify by ordinance under what
119.22 circumstances it will hold a special election to fill a vacancy other than a special election
119.23 held at the same time as the regular city election.

119.24 All of the provisions of the Minnesota Election Law are applicable to special elections
119.25 as far as practicable.

119.26 Sec. 65. **AUDIT OF ELECTION EQUIPMENT.**

119.27 (a) For purposes of this section, "election equipment means" electronic poll books,
119.28 tabulating equipment, electronic voting systems, and assistive voting technology.

119.29 (b) The legislative auditor must conduct an audit of election equipment and related
119.30 software as described in this section. The auditor must complete the audit by February 1,
119.31 2022. The auditor may contract with a vendor to complete any or all of the requirements of
119.32 this section. At a minimum, the audit must include eight cities or counties in the metropolitan

120.1 area, as defined by Minnesota Statutes, section 473.121, subdivision 2, and eight cities or
120.2 counties outside of the metropolitan area. To the extent possible, the auditor must select
120.3 cities and counties so as to examine at least one of each model of tabulator used in the state
120.4 and at least one of each model of assistive voting equipment used in the state.

120.5 (c) The auditor must review all elections policies, procedures, and practices, for:

120.6 (1) selecting and procuring election equipment and related software; and

120.7 (2) for updating or maintaining election equipment and related software.

120.8 The auditor must determine whether the policies, procedures, and practices are consistent
120.9 with state law.

120.10 (d) The auditor must examine election equipment and related software that was used in
120.11 the 2020 general election. At a minimum, the auditor must:

120.12 (1) specify the brand, model, and year of manufacture for each piece of election
120.13 equipment;

120.14 (2) specify the brand and version of each type of software used;

120.15 (3) determine whether any software updates or other changes were made to the equipment
120.16 after completion of the testing required by Minnesota Statutes, section 206.83, and if so,
120.17 the purpose of the updates or changes;

120.18 (4) whether the equipment is capable of connecting to the internet or is otherwise capable
120.19 of transmitting data;

120.20 (5) review the incident logs from each polling place to identify incidents related to
120.21 equipment or software and determine the cause of the incident and how it was resolved;
120.22 and

120.23 (6) review the source code to determine whether the code functioned as represented by
120.24 the vendor and that the code was free from defects.

120.25 Upon request, the secretary of state must provide a copy of the source code to the auditor.

120.26 (e) For each piece of equipment that is capable of connecting to the internet or otherwise
120.27 capable of transmitting data, the auditor must:

120.28 (1) determine the manner of connecting to the internet and any security or encryption
120.29 measures in place; and

121.1 (2) review any audit log or other similar data to determine each time the equipment was
121.2 connected to the internet since September 18, 2020, and if possible, determine the purpose
121.3 of the connection.

121.4 (f) The auditor must examine each ballot tabulator or central count machine or the related
121.5 software to determine the accuracy of the machine. For the 2020 general election results,
121.6 the auditor must also examine whether the tape from the tabulator or machine accurately
121.7 reflects the ballots counted by the machine.

121.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

121.9 Sec. 66. **PUBLIC AWARENESS CAMPAIGN; SECRETARY OF STATE.**

121.10 The secretary of state must contract with a vendor to conduct a public awareness campaign
121.11 to encourage people to register to vote prior to election day. At a minimum, the vendor must
121.12 conduct the public awareness campaign in each even-numbered year from June 1 until the
121.13 voter registration period ends prior to the state general election. The secretary of state may
121.14 consult with the vendor in coordinating material related to the campaign, but the secretary,
121.15 the secretary's staff, and any other documents or materials promoting the Office of the
121.16 Secretary of State may not appear visually or audibly in any advertising or promotional
121.17 items disseminated by the vendor as part of the public awareness campaign.

121.18 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to elections
121.19 on or after that date.

121.20 Sec. 67. **REPEALER.**

121.21 Minnesota Statutes 2020, sections 135A.17, subdivision 2; 201.061, subdivision 7; and
121.22 204C.12, subdivision 3, are repealed.

121.23 Sec. 68. **EFFECTIVE DATE.**

121.24 Except as otherwise provided, this article is effective July 1, 2021 and applies to elections
121.25 on or after that date."

121.26 Amend the title accordingly