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VIA MESSENGER

July 12, 2012

Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

OFFICE OF
APPELLATE COURTS

JUL 12 2012

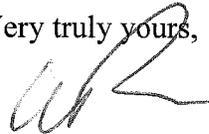
FILED 

Re: *League of Women Voters Minnesota, et al. v. Mark Ritchie, in his capacity as Secretary of State, and not in his individual capacity*
Case No. A12-0920

Dear Clerk:

Enclosed for filing in the above-referenced matter, please find an original and 14 copies of correspondence and documents which were emailed yesterday.

Very truly yours,



William Z. Pentelovitch

WZP:sel:902218

Enclosures

cc: All Counsel of Record
See Attached Service List

League of Women Voters Minnesota, et al. v. Mark Ritchie

Case No. A-12-0920

Service List

(as of July 11, 2012)

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July 11, 2012
Via Email and Hand Delivery

Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: League of Women Voters Minnesota et al v. Mark Ritchie
Case No. A-12-0920

Dear Clerk:

Pursuant to Rule 128.05 of the Minnesota Rules of Civil Appellate Procedure, Petitioners League of Women Voters Minnesota, et al. wish to advise the Supreme Court of the following pertinent and significant authorities and events which came to Petitioners' attention or occurred after the filing of Petitioners' Briefs:

1. Attorney General Swanson's "statement of purpose and effect" of the Legislature's proposal to amend Article VII, Section 1 of the Minnesota Constitution dated June 28, 2012, issued pursuant to Minn. Stat. § 3.21. We were unable to locate a public posting of this document, but obtained it on July 9, 2012 by inquiring of the Attorney General's office whether it had been issued. We are providing this to the Court because the Intervenor's brief referred to this statutory requirement.
2. Laws 1887, Chapter 157, Section 2. This is the earliest antecedent of Minn. Stat. §3.21 which we were able to locate. We submit it herewith because Petitioners may refer to it during oral argument.
3. Laws 1992, Chapter 513, Article 3, Section 17, which amended Minn. Stat § 3.21. We submit it herewith because Petitioners may refer to it during oral argument.
4. A news release published on the Respondent Secretary of State's website on July 9, 2012, announcing the title he had approved for the Legislature's proposed amendment to Article VII, Section 1, of the Minnesota Constitution. We submit it herewith because it relates directly to an issue raised by Petitioners in their Petition to this Court.

Copies of each of the four documents mentioned above are enclosed herewith. Fourteen copies of this letter and attachments will be delivered to your office tomorrow morning.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Pentelovitch', written over a horizontal line.

William Z. Pentelovitch

WZP:sel:902179

Enclosures

cc: See Attached Service List.
Alan I. Gilbert and Kristyn Anderson, Office of the Attorney General

League of Women Voters Minnesota, et al. v. Mark Ritchie

Case No. A-12-0920

Service List

(as of July 11, 2012)

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League of Women Voters Minnesota, et al. v. Mark Ritchie
Court Case No. A120920

STATE OF MINNESOTA)

) ss.

COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE VIA E-MAIL

Susan E. Lambert, being first duly sworn on oath, deposes and states that she is an employee in the law firm of Maslon Edelman Borman & Brand LLP, Wells Fargo Center - Suite 3300, 90 South Seventh Street, Minneapolis, MN 55402-4140 and that on July 2, 2012, she made service of the following document(s):

LETTER TO CLERK OF APPELLATE COURTS DATED JULY 11, 2012

by having delivered, via Email, to their addresses stated below, a true and correct copy to the following:

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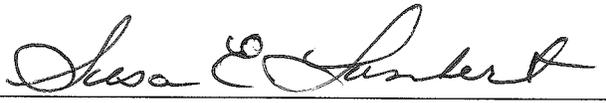
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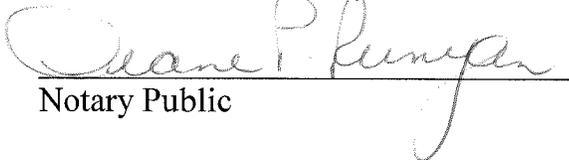
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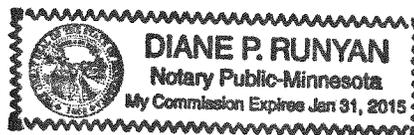
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Susan E. Lambert

Subscribed and sworn to before
me this 11th day of July, 2012.


Notary Public



1.



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

June 28, 2012

SUITE 1800
445 MINNESOTA STREET
ST. PAUL, MN 55101-2134
TELEPHONE: (651) 297-2040

The Honorable Mark Ritchie
Minnesota Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-2803

Re: 2012 Minn. Laws Ch. 167

Dear Secretary of State Ritchie:

This Office is required, pursuant to Minn. Stat. § 3.21, to issue a “statement of purpose and effect” for all amendments to the Minnesota Constitution proposed by the Minnesota Legislature. The relevant portion of the statute provides as follows:

“At least four months before the election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed, showing clearly the form of the existing sections and how they will read if amended.”

The Minnesota Legislature proposed to amend Article VII, Section 1 of the Minnesota Constitution by adding the following underlined language:

Section 1. (a) Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct. The place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent.

(b) All voters voting in person must present valid government-issued photographic identification before receiving a ballot. The state must issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of this section. A voter unable to present government-issued photographic identification must be permitted to submit a provisional ballot. A provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law.



(c) All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted.

The purpose of the amendment is to mandate that: (1) all voters voting in person must present valid government-issued photographic identification before receiving a ballot; (2) the state must issue photographic identification at no charge to an eligible voter who does not have a form of identification that meets this requirement; (3) a voter who is unable to present government-issued photographic identification must be permitted to submit a provisional ballot; (4) the provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law; and (5) all voters must be subject to substantially equivalent identity and eligibility verification before a ballot is cast or counted.

The effect of the amendment depends upon the future legislation which implements it, which must define: (1) the substantially equivalent identity and eligibility verification requirements to be applied to absentee and in-person voters; (2) the circumstances under which an election official may count a provisional ballot; (3) the manner in which voters who cast provisional ballots may later certify their ballots; and (4) the manner in which election day registration is conducted.

Very truly yours,



CHRISTIE B. ELLER
Deputy Attorney General

(651) 757-1440 (Voice)
(651) 297-1235 (Fax)

2.

810
S. 11

GENERAL LAWS

OF THE

STATE OF MINNESOTA,

PASSED DURING THE

TWENTY-FIFTH SESSION

OF THE

STATE LEGISLATURE,

COMMENCING JANUARY FOURTH, ONE THOUSAND EIGHT
HUNDRED AND EIGHTY-SEVEN, AND TERMINATING
MARCH FOURTH, ONE THOUSAND EIGHT
HUNDRED AND EIGHTY-SEVEN.

8,000 COPIES ORDERED PRINTED.

MINNEAPOLIS, MINN.:
HARRISON & SMITH,
1887.

CHAPTER 156.

(H. F. No. 281.)

AN ACT TO REPEAL SECTION TWO (2) OF CHAPTER ONE HUNDRED AND TWENTY-THREE (123), OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-THREE (1883), ENTITLED "AN ACT TO REGULATE THE SALARIES OF THE TREASURERS AND AUDITORS WHEN UNORGANIZED COUNTIES ARE ATTACHED."

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of chapter one hundred and twenty-three (123) of the general laws of one thousand eight hundred and eighty-three (1883) be, and the same is hereby repealed.

Salaries of treasurers and auditors.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 3, 1887.

CHAPTER 157.

[H. F. No. 94.]

AN ACT TO PROVIDE FOR THE BETTER PUBLICATION OF PROPOSED CONSTITUTIONAL AMENDMENTS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever any constitutional amendment or amendments are proposed by the legislature of this state to be submitted for adoption or rejection by the people thereof, it shall be the duty of the attorney-general to critically examine the same and prepare and furnish to the secretary of state at least four (4) months preceding any election at which the same is or are to be voted upon, a synopsis thereof, containing the original article or section and the proposed amendment.

Publication of constitutional amendments.

SEC. 2. It shall be the duty of the Secretary of State, before any election at which any amendment or amendments are to be voted upon, to cause the synopsis and opinion of the attorney general provided for in section one (1) of this act, to be printed and published in the newspapers printed at the capital of the State; and also one (1)

Synopsis and opinion of attorney general.

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paper in each county in the state to be designated by him, for a period of one in each week for three (3) successive weeks immediately preceding such election. *Provided*, that when more than one (1) amendment is proposed the same shall not be published separately, but shall be published in one article.

Printed in bill form.

SEC. 3. The secretary of state shall also cause to be printed in bill form such number of copies of said synopsis of the proposed constitutional amendment or amendments provided for in section one (1) as shall be sufficient to furnish at least six (6) copies for each voting precinct in the state, and shall forward the same to each county auditor at least six (6) weeks preceding any such election.

Distribution to towns.

SEC. 4. It shall be the duty of the county auditor of each county, immediately upon the receipt of the bills provided for in section three (3) to forward to each of the town clerk in the county the number thereof provided for in this act.

Notices to be posted.

SEC. 5. It shall be the duty of each town clerk to post said notices at least twenty (20) days before the election in the same manner as the register lists of voters are required to be posted; *provided*, that there shall be at least one (1) of said notices posted at each polling place at the day of the election.

Penalty for neglect.

SEC. 6. If any of the officers named in this act wilfully or negligently fail to perform by its provisions, he or they or either one of them shall, upon conviction, be fined in a sum not exceeding one hundred (100) dollars nor less than twenty-five (25) dollars and in default of payment shall be committed in the county jail until such fine is paid, not exceeding thirty (30) days.

SEC. 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

When act to take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3d, 1887.

CHAPTER 158.

[H. F. No. 247.]

AN ACT PROVIDING FOR THE JUDICIAL DETERMINATION AND ADJUSTMENT OF TWO ALLEGED CLAIMS OF W. H. DYKE.

Whereas, W. H. Dyke represents that under the provisions of the act entitled "an act for the adjustment of certain alleged claims against the state," approved November

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3.

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1992, Regular Session

Laws of Minnesota 1992

CHAPTER 513-H.F.No. 2694

An act relating to the organization and operation of state government; providing for programs relating to higher education; environment and natural resources; agriculture, transportation, semi-state, and regulatory agencies; economic and state affairs; health and human services; providing for regulation of certain activities and practices; making fund and account transfers; providing for fees; making grants; appropriating money and reducing earlier appropriations with certain conditions; amending Minnesota Statutes 1990, sections 3.21; 3.305; 3.736, subdivision 8; 5.09; 5.14; 10A.31, subdivision 4; 15.0597, subdivision 4; 16A.45, by adding a subdivision; 16A.48, subdivision 1; 16B.85, subdivision 5; 17.03, by adding subdivisions; 18B.26, subdivision 3; 43A.191, subdivision 2; 44A.0311; 60A.1701, subdivision 5; 72B.04, subdivision 10; 80A.28, subdivision 2; 82.21, subdivision 1; 82B.09, subdivision 1; 85A.04, subdivision 1; 89.035; 89.37, by adding a subdivision; 115D.04, subdivision 2; 116J.9673, subdivision 4; 116P.11; 136.60, by adding a subdivision; 136A.1354, subdivision 4; 136A.29, subdivision 9; 138.56, by adding a subdivision; 138.763, subdivision 1; 138.766; 141.21, by adding a subdivision; 144.122; 144.123, subdivision 2; 144A.071, subdivision 2; 144A.073, subdivisions 3, 3a, and 5; 144A.43, subdivisions 3 and 4; 144A.46, subdivision 5; 144A.51, subdivisions 4 and 6; 144A.52, subdivisions 3 and 4; 144A.53, subdivisions 2, 3, and 4; 144A.54, subdivision 1; 147.01, by adding a subdivision; 151.06, subdivision 1, and by adding a subdivision; 169.01, subdivision 55; 169.965, by adding a subdivision; 176.104, subdivision 2, and by adding subdivisions; 176.129, subdivisions 1 and 11; 176.183, subdivision 1; 182.666, subdivision 7; 204B.11, subdivision 1; 204B.27, subdivision 2; 204D.11, subdivisions 1 and 2; 237.701, subdivision 1;

240.14, subdivision 3; 245A.02, by adding subdivisions; 245A.07, subdivisions 2 and 3; 245A.11; 245A.13, subdivision 4; 252.025, subdivision 4; 254A.03, subdivision 2; 254B.06, subdivision 3; 256.12, by adding a subdivision; 256.81; 256.9655; 256.9695, subdivision 3; 256B.02, by adding subdivisions; 256B.035; 256B.056, subdivisions 1a, 2, 3, 5, and by adding a subdivision; 256B.057, by adding a subdivision; 256B.059, subdivisions 2 and 5; 256B.0595, subdivision 1; 256B.0625, by adding subdivisions; 256B.064, by adding a subdivision; 256B.092, by adding a subdivision; 256B.14, subdivision 2; 256B.15, subdivisions 1 and 2; 256B.19, by adding a subdivision; 256B.36; 256B.41, subdivisions 1 and 2; 256B.421, subdivision 1, and by adding a subdivision; 256B.431, subdivisions 2i, 4, and by adding subdivisions; 256B.432, by adding a subdivision; 256B.433, subdivisions 1, 2, and 3; 256B.48, subdivisions 1b, 2, 3, 4, and by adding subdivisions; 256B.495, subdivisions 1, 2, and by adding subdivisions; 256B.50, subdivisions 1b and 2; 256B.501, subdivision 3c, and by adding subdivisions; 256C.28, subdivisions 2 and 3; 256D.02, subdivision 8, and by adding subdivisions; 256D.03, by adding a subdivision; 256D.051, by adding a subdivision; 256D.06, subdivision 5, and by adding a subdivision; 256D.35, subdivision 11; 256D.54, subdivision 3; 256E.14; 256H.01, subdivision 9, and by adding a subdivision; 256H.10, subdivision 1; 256I.01; 256I.02; 256I.03, subdivisions 2 and 3; 256I.04, as amended; 256I.05, subdivisions 1, 3, 6, 8, 9, and by adding a subdivision; 256I.06; 270.063; 270.71; 298.221; 299E.01, subdivision 1; 299F.011, subdivision 4a; 340A.301, subdivision 6; 340A.302, subdivision 3; 340A.315, subdivision 1; 340A.317, subdivision 2; 340A.408, subdivision 4; 345.32; 345.33; 345.34; 345.35; 345.36; 345.37; 345.38; 345.39; 345.42, subdivision 3; 349.161, subdivision 4; 349.163, subdivision 2; 352.04, subdivisions 2 and 3; 353.27, subdivision 13; 356.65, subdivision 1; 357.021, subdivision 1a; 357.18, by adding a subdivision; 359.01, subdivision 3; 363.071, by adding a subdivision; 363.14, subdivisions 2 and 3; 466.06; 490.123, by adding a subdivision; 514.67; 518.551, subdivisions 7 and 10; 609.131, by adding a subdivision; 609.5315, by adding a subdivision; 611.27, by adding subdivisions; and 626.861, subdivision 3; Minnesota Statutes 1991 Supplement,

sections 16A.45, subdivision 1; 16A.723, subdivision 2; 17.63; 28A.08; 41A.09, subdivision 3; 60A.14, subdivision 1; 84.0855; 89.37, subdivision 4; 121.936, subdivision 1; 135A.03, subdivisions 1a and 7; 136A.101, subdivision 8; 136A.121, subdivision 6; 136A.1353, subdivision 4; 144.50, subdivision 6; 144A.071, subdivision 3; 144A.31, subdivision 2a; 144A.46, subdivisions 1 and 2 ; 144A.49; 144A.51, subdivision 5; 144A.53, subdivision 1; 144A.61, subdivisions 3a and 6a; 144B.01, subdivisions 5, 6, and by adding a subdivision; 144B.10, subdivision 2; 147.03; 148.91, subdivision 3; 148.921, subdivision 2; 148.925, subdivisions 1, 2, and by adding a subdivision; 168.129, subdivisions 1 and 2; 182.666, subdivision 2; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.18, by adding a subdivision; 245A.03, subdivision 2; 245A.04, subdivision 3; 245A.16, subdivision 1; 251.011, subdivision 3; 252.28, subdivision 1; 252.46, subdivision 3; 252.50, subdivision 2; 254B.04, subdivision 1; 256.031, subdivision 3; 256.033, subdivisions 1, 2, 3, and 5; 256.034, subdivision 3; 256.035, subdivision 1; 256.0361, subdivision 2; 256.035, subdivision 1; 256.935, subdivision 1; 256.9656; 256.9657, subdivisions 1, 2, 3, 4, 7, and by adding a subdivision; 256.9685, subdivision 1; 256.969, subdivisions 1, 2, 9, 20, and 21; 256.9751, subdivisions 1 and 6; 256.98, subdivision 8; 256B.0625, subdivisions 2, 13, and 17; 256B.0627, subdivision 5, as amended; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 8, and by adding a subdivision; 256B.0913, subdivisions 4, 5, 8, 11, 12, and 14; 256B.0915, subdivision 3, and by adding subdivisions; 256B.0917, subdivisions 2, 3, 4, 5, 6, 7, 8, and 11; 256B.0919, subdivision 1; 256B.092, subdivisions 4 and 7; 256B.093, subdivisions 1, 2, and 3; 256B.431, subdivisions 2l, 2m, 2o, and 3f; 256B.49, subdivision 4; 256B.74, subdivisions 1 and 3; 256D.03, subdivisions 3 and 4; 256D.05, subdivision 1; 256D.051, subdivision 1; 256H.03, subdivisions 4 and 6; 256H.05, subdivision 1b, and by adding a subdivision; 256I.05, subdivisions 1a, 1b, 2, and 10; 261.035; 340A.311; 340A.316; 340A.504, subdivision 3; 349A.10, subdivision 3; 357.021, subdivision 2; 508.82; 508A.82; 611.27, subdivision 7; 626.861, subdivisions 1 and 4; Laws 1987, chapter 396, article 12, section 6, subdivision 2; Laws 1991, chapter 233, section 2, subdivision 2; Laws 1991, chapter 254,

article 1, section 7, subdivision 5; and Laws 1991, chapter 356, articles 1, section 5, subdivision 4; 2, section 6, subdivision 3; and 6, section 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 4A; 16B; 44A; 84; 115B; 136C; 144; 144A; 149; 244; 245A; 246; 256; 256B; 256D; 256I; and 501B; repealing Minnesota Statutes 1990, sections 41A.051; 84.0885; 89.036; 136A.143; 136C.13, subdivision 2; 141.21, subdivision 2; 144A.15, subdivision 6; 211A.04, subdivision 2; 245A.14, subdivision 5; 245A.17; 252.46, subdivision 15; 256B.056, subdivision 3a; 256B.495, subdivision 3; 256D.09, subdivision 3; 256I.05, subdivision 7; and 270.185; Minnesota Statutes 1991 Supplement, sections 97A.485, subdivision 1a; 135A.50; 144A.071, subdivision 3a; 256.9657, subdivision 5; 256.969, subdivision 7; 256B.74, subdivisions 8 and 9; 256I.05, subdivision 7a; 326.991; and Laws 1991, chapters 292, article 4, section 77; and 356, article 3, section 14.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

HIGHER EDUCATION

Section 1. HIGHER EDUCATION APPROPRIATIONS

The dollar amounts in the columns under "APPROPRIATIONS" are added to or, if shown in parentheses, are subtracted from the appropriations in Laws 1991, chapter 356, or other law to the specified agencies. The appropriations are from the general fund or other named fund and are available for the fiscal years indicated for each purpose. The figure 1992 or 1993 means that the addition to or subtraction from the appropriations listed under the figure are for the fiscal year ending June 30, 1992, or June 30, 1993, respectively. If only one figure is shown in the text for a specified purpose, the addition or subtraction is for 1993 unless the context intends another fiscal year.

SUMMARY BY FUND

	1992	1993	TOTAL
General	\$15,000	(\$29,015,000)	(\$29,000,000)
Special Revenue	(\$70,000)		(\$70,000)

SUMMARY BY AGENCY - ALL FUNDS

	1992	1993	TOTAL
State Board for Technical Colleges		(5,785,000)	(5,785,000)
State Board for Community Colleges		(3,503,000)	(3,503,000)

the second year are for air service grants.

~~\$15,000 the first year and \$15,000 the second year are for the advisory council on metropolitan airport planning.~~

(b) Civil Air Patrol

65,000 65,000

(c) Aeronautics Administration

3,857,000 3,852,000

\$15,000 the first year and \$25,000 the second year are for the advisory council on metropolitan airport planning. The commissioner of transportation shall transfer these funds to the legislative coordinating commission by July 15, 1992.

Sec. 17. Minnesota Statutes 1990, section 3.21, is amended to read:

3.21 [NOTICE.]

At least four months before the election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed, showing clearly the form of the existing sections and how they will read if amended. If a section to which an amendment is proposed exceeds 150 words in length, the statement shall show the part of the section in which a change is proposed, both its existing form and as it will read when amended, together with the portions of the context that the attorney general deems necessary to understand the amendment. ~~In October before the election, the secretary of state shall publish the statement once in all qualified newspapers of the state. The secretary of state shall furnish the statement to the newspapers in reproducible form approved by the secretary of state, set in 7-1/2 point type on an 8-point body. The maximum rate for publication is that provided in section 331A.06 or 18 cents per standard line, whichever is less. If a newspaper refuses to publish the amendments, the refusal shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor enough copies of the statement, in poster form, to supply each election district of the county with two copies. The auditor shall have two copies conspicuously posted at or near each polling place on election day. Willful or negligent failure by an official named to perform a duty imposed by this section is a misdemeanor.~~

Sec. 18. Minnesota Statutes 1990, section 5.09, is amended to read:

5.09 [LEGISLATIVE MANUAL, STUDENTS' EDITION.]

4.

News Releases and Current Initiative

Secretary of State Mark Ritchie Announces Approved Title for Constitutional Amendment c
Posted Date: 7/9/2012

***** NEWS RELEASE *****

FOR IMMEDIATE RELEASE
CONTACT: Patricia Turgeon
(651) 201-1332

Secretary of State Mark Ritchie Announces Approved Title for Constitutional Amendment on Elections

St. Paul, Minn.—July 9, 2012—Secretary of State Mark Ritchie today announced that the proposed elections amendment that will appear on the ballot in the general election held on 1 be: “CHANGES TO IN-PERSON & ABSENTEE VOTING & VOTER REGISTRATION; PROVI

Minnesota Statute section 204D.15 provides that the Secretary of State “shall provide an app constitutional amendment.

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Mark Ritchie is Minnesota's 21st Secretary of State. A downloadable press photograph is avai <http://www.sos.state.mn.us/Modules/ShowDocument.aspx?documentid=4142>.