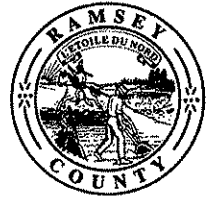


OFFICE OF THE RAMSEY COUNTY ATTORNEY

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MEMORANDUM

DATE: October 2, 2014

TO: Joseph Mansky, Ramsey County Elections Manager

FROM: John T. Kelly, First Assistant Ramsey County Attorney

RE: MINN. STAT. SECTION 211B.20 - ACCESS TO MULTIPLE-UNIT BUILDINGS FOR CAMPAIGN PURPOSES

The information contained in this memorandum is solely intended to provide general awareness of Minnesota Statutes, Section 211B.20 authorizing candidate access to multiple-unit residential buildings in Ramsey County (a copy of this statute is enclosed for your reference). You may provide this memorandum to candidates and affected building owners and managers with the understanding that this memorandum is neither intended nor should be construed as constituting legal advice to any person. Should any persons have any questions regarding any of the laws referenced in this document including how those laws could be applied to a specific set of facts, they should be directed to seek advice from their own legal counsel.

Q: What buildings or premises are covered?

A: The state law covers all apartment and condominium buildings, townhouses, college dormitories, nursing homes, mobile home parks and private roadways on which there are two or more single family homes.

Q: Who can enter the buildings or premises?

A: The following persons are authorized access under the state law.

1. Any candidate for the upcoming general election provided that the building is located within the district or territory that will be represented by the office to which the candidate seeks election who has: (a) organized a campaign committee under federal or state law; (b) filed a financial report as required by Minnesota Statutes, Section 211A.02 or (c), filed an affidavit of candidacy for elected office.
2. Campaign volunteers who are accompanying the candidate.

Q: What can the candidates and her/his accompanying campaign volunteers do while in the building?

A: Candidates seeking election at the next general or special election for an office representing the district or territory in which the building is located and their accompanying campaign volunteers may:

1. Campaign for the candidate.
2. Conduct voter registration activities.
3. Leave campaign literature at the doors of residents, except in nursing homes, where campaign materials may be required to be left in an orderly manner at a central location.

Q: How many buildings may the candidates and accompanying campaign workers visit on a single trip?

A: Candidates and accompanying campaign volunteers who are campaigning at properties with more than one building may only visit one building at a time. If more than one candidate is campaigning on site at the same time as another candidate, each candidate is permitted to be in separate buildings.

Q: Do the candidates and accompanying campaign volunteers have to carry identification?

A: Yes, reasonable and proper identification from both the candidates and their campaign volunteers can be required before granting them access to the buildings.

Q: Can a candidate be required to make an appointment prior to gaining access to a property or have their access limited to certain times of the day and by a certain number of accompanying campaign volunteers?

A: Yes, candidates can both be required to make a prior appointment before they visit and their access can also be limited to reasonable hours by a reasonable number of accompanying campaign volunteers.

Q: Are there instances when candidates and their accompanying campaign volunteers be denied access to a property?

A: Yes, a person is permitted to deny candidates and their accompanying campaign volunteers admittance into a particular apartment, room, manufactured home, or residential unit. Candidates and accompanying campaign volunteers may also be denied permission to visit certain persons for valid health reasons at nursing homes and registered housing with services establishment providing assisted living services meeting the requirements of Minnesota Statutes, Section 144G.03, Subdivision 2. Candidates and accompanying campaign volunteers may also be denied admittance to or expulsion from a multiple unit dwelling for good cause.

Q: What are the consequences for not permitting candidates and accompanying campaign volunteers access as required by Section 211B.20?

A: A person who violates a provision of the state law authorizing candidates and campaign volunteers access to a multiple-unit residential facility can be the subject of an unfair campaign practices complaint pursuant to Minnesota Statutes, Sections 211B.31-211B.37. As set forth in Minnesota Statutes, Section 211B.35, the range of possible dispositions for a determination that an unfair campaign practices has occurred can include at least one of the following: a reprimand, a civil penalty of up to \$5,000.00 per violation, referral to the appropriate county attorney for consideration to prosecute the violation as a petty misdemeanor. Upon conviction of a petty misdemeanor, a violator is subject to a fine not to exceed \$300 for each offense.

211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

- (1) organized a campaign committee under applicable federal or state law;
- (2) filed a financial report as required by section 211A.02; or
- (3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home or a registered housing with services establishment providing assisted living services meeting the requirements of section 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

History: 1988 c 578 art 3 s 20; 2010 c 314 s 3