SF1191 - 0 - Elections Administration

Chief Author: **Bonnie Westlin**
Commitee: **Elections**
Date Completed: **2/16/2023 7:51:40 AM**
Agency: Secretary of State

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X

Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
Reductions shown in the parentheses.

State Cost (Savings)			Biennium		Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-

Full Time Equivalent Positions (FTE)			Biennium		Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson   **Date:**   2/16/2023 7:51:40 AM
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State Cost (Savings) Calculation Details
This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
Reductions are shown in parentheses.
*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2			Biennium		Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This legislation makes changes to various provisions of law governing election administration.

Section 1: Provides that a ballot and related materials for a SAH participant can be prepared and delivered by OSS from either the materials provided by a county auditor, or from the materials maintained in the Statewide Voter Registration System (SVRS).

Section 2: Adds residential treatment, assisted living facilities, and adult foster care programs to the types of residential facilities whose staff can vouch for a those living there on election day.

Section 3, 5, 6, 8, 9, 10, 11, 18, 19, 20, 23, 24, 26, 36, 37, 38, 40, 43, and 44: Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" "residence" rather than a place where the voter "resides" or "resided." Minnesota law in Minn. Stat. 200.031 defines voter eligibility based on where a voter "maintains residence" and does

Section 4: Makes clarifying language changes related to the requirement that a voter provide a valid Minnesota driver's license or identification card number, or the last four digits of their social security number, in order to register to vote. An exception applies only if the voter does not have one of these numbers. Updates and arranges language to clarify that a registration application would not be considered deficient for lack of an identification number if the voter was not issued a number and the information can be verified using another database associated with the applicant's name and date of birth.

Section 7: Makes a technical change to the process for challenging voter registration applications that failed the initial verification against government databases. Under M.S. 201.121 subdivision 1, County Election administrators are required to compare the voter's name, date of birth, and driver's license number, state identification number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database. For voters that cannot be verified, the county is required to send a notice of incomplete registration and change the voter status in SVRS to "incomplete." SVRS does not have an "Incomplete" status. Instead, SVRS has a "Challenged Unverifiable" status.

Section 12: Clarifies that a preferential ballot at state major party caucuses is only required during the year when the governor's office is on the ballot. Currently the language in the statute just refers to a preferential ballot for Governor but does not limit it to the year when the Governor is up for election. This change simply clarifies that the preferential ballot is only required for years where the election of governor is on the state general election ballot.

Section 13: Defines the term "utility worker" for purposes of the state's absentee voting laws. This definition is used in the following section, granting certain absentee voting rights to workers deployed during the voting period for an election.

Section 14: Authorizes trained or certified emergency response providers and utility workers to vote by absentee ballot or using the UOCAVA process, if deployed during the absentee voting period or on election day.

Section 15 & 16: Reorganizes language related to the designation of in-person absentee ballot polling places. The

requirements for these designations remain unchanged.

Section 17: Permits local elections officials to engage in absentee voting activities in state veterans homes and in certain shelters for battered women, in the same manner as permitted in hospitals and other health care facilities.

Section 19: Clarifies the eligibility requirement for judges and justices serving on Minnesota state courts. Minnesota has a mandatory retirement age of 70 for Judges. Adding this provision would prevent a judicial candidate from filing who would not be eligible to hold the office by the first Monday in January, which would be the first day of the term and this would make the statutes in alignment with the Supreme Court Rulings.

Section 21: Clarifies that the existing law establishing procedure for filling a vacancy in nomination for an office does not apply to candidates for election to a federal office. This is to conform Minnesota law with a United States' District Court decision invalidating this statutory section with respect to federal contests

Section 22: Modifies standards for when a local government must adopt an ordinance or resolution designating a polling place for each precinct. Rather than requiring an ordinance or resolution every year, a local government would only be required to adopt an ordinance or resolution if a polling place has changed.

Section 25: Authorizes the option of mail balloting for all towns, and all cities with fewer than 400 registered voters, regardless of their geographic location in the state. Under current law, these towns and cities are only eligible if they are located outside of a metropolitan area county.

Section 27: Authorizes a mail election ballot to include both a special election question and candidates for office if there are overlapping municipal and school district jurisdictions and one of those jurisdictions has a question on the ballot. Current law prohibits offices from appearing on the ballot at a mail-only special election conducted for the purpose of submitting a ballot question to the voters.

Section 28: Eliminates the three-person limit on the number of voters a person can assist on election day. This limit was the subject of court decision finding that this limit was preempted by federal law and unenforceable.

Section 29: Codifies what is already in rule, that a precinct summary statement must include the number the number of election judges

Section 30: Provides an explicit requirement that the State Canvassing Board declare the election of candidates for state and federal office after the canvass is complete, and that they must declare the candidate with the most votes the candidate elected.

Section 31: Requires that the county canvassing board, upon identifying an obvious error, instruct the county auditor to seek a remedy in the district court. Previous state law required the county to notify an impacted candidate and placed the burden of seeking a remedy on the impacted candidate.

Section 31: Extends the races that must be placed on the nonpartisan primary ballot to city and school races if a primary is held.

Section 33, 34 & 35: Extends the period for conducting a special election to fill a vacant legislative seat by two weeks, in cases where an expedited process is required in order to allow the person elected to be seated quickly for a legislative session. This ensures that voters in mail ballot jurisdictions and absentee voters have an opportunity to participate in the election.

Section 39: Clarifies that voters voting under the Safe at Home address confidentiality program procedures must be permitted to cast a ballot using those procedures at the presidential nomination primary.

Section 41: Narrows the prohibition on campaigning near a polling place on election day so that it only applies during voting hours.

Section 42: Corrects a cross reference in state statute.

Assumptions

This legislation largely makes technical and clarifying changes. Section 1 permits, but does not require, that the Office of Secretary of State (OSS) use data from SVRS to provide a ballot to a Safe at Home voter. This note assumes that Safe at Home staff will only use that procedure when a county fails to provide a ballot in a timely manner or when a participant enters the program close to the end of a voting period. The cost to the program would be de minims, the cost of printing a single double sided sheet of paper.

The ability of utility and other workers to access the UOCAVA voting processes would have no state costs and limited, if any local costs. The UOCAVA procedures allow a deployed worker to receive an absentee ballot by email, but still require the ballot to be returned in paper form. Because the voter will print their ballot, there may be minimal costs associated with duplicating the ballot which would likely be offset by the reduction in postage for mailing the ballot.

The remaining changes to local procedures are permissive and not mandatory.

Expenditure and/or Revenue Formula

None.

Long-Term Fiscal Considerations

None.

Local Fiscal Impact

None.

References/Sources

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