

Revised

Consolidated Fiscal Note

2023-2024 Legislative Session

HF28 - 0 - Civil Right to Vote Restored Incarceration

Chief Author: **Cedrick Frazier**
 Committee: **Elections Finance & Policy**
 Date Completed: **1/19/2023 11:40:17 AM**
 Lead Agency: **Secretary of State**
 Other Agencies:
 Corrections Dept Supreme Court

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
Secretary of State						
General Fund	14	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-	-
State Total						
General Fund	14	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	14	-	-	-	-	-
Biennial Total						

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Secretary of State					
General Fund	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	-	-	-	-

Lead LBO Analyst's Comment

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

This FN was revised to correct the computing charge rate per hour that OSS uses to determine costs. Original FN used \$85/hour, but OSS noted it should be \$100/hr, and the \$100/hr is what they used on the Senate version of the FN (SF26). FN was amended to use \$100/hr and now HF28 and SF26 OSS costs align with each other.

LBO Signature: Susan Nelson **Date:** 1/19/2023 11:40:17 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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
Secretary of State					
General Fund	14	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
Total	14	-	-	-	-
	Biennial Total		-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Secretary of State					
General Fund	14	-	-	-	-
Restrict Misc. Special Revenue					
Expenditures	6	-	-	-	-
Absorbed Costs	(6)	-	-	-	-
Total	14	-	-	-	-
	Biennial Total		-		-
2 - Revenues, Transfers In*					
Secretary of State					
General Fund	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	-	-	-	-
	Biennial Total		-		-

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 Committee: **Elections Finance & Policy**
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 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
General Fund	14	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	14	-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-
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.

This was revised to use the correct computing charges that OSS uses (from \$85/hr to \$100/hr). HF28 now matches SF26's numbers for Civil Right to Vote Restored after Incarceration.

LBO Signature: Susan Nelson **Date:** 1/19/2023 11:21:24 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

State Cost (Savings) Calculation Details

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*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	
General Fund	14	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	14	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	14	-	-	-	-	-
Restrict Misc. Special Revenue						
Expenditures	6	-	-	-	-	-
Absorbed Costs	(6)	-	-	-	-	-
Total	14	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill provides for persons who are otherwise eligible to vote, but who have been convicted of a felony and sentenced to a felony sentence, to register and vote after they have been released from incarceration, or, if no incarceration was imposed as part of the sentence, upon sentencing.

The bill also provides for changes in the certification portion of the voter registration application form, as well as on the polling place roster, whether paper or electronic, to remove the current language requiring the person to certify that the entire sentence has been completed, and instead simply certify that they are not currently incarcerated.

Finally, the bill requires the Office of the Secretary of State (OSS) to create and provide to corrections officials information on voting rights of persons charged with a crime, convicted of a crime incarcerated, and released from, or never sentenced to, incarceration.

Assumptions

Training and updates to manuals and guides is done periodically, and so this change will be noted in the next round of trainings and guide updates.

Online voter registration templates residing on the website of the OSS are the major cost of programming detailed in this note, but a relatively small number of new paper voter registration applications will need to be printed from the electronically created applications created by OSS at the expense of the counties.

A standalone document detailing the rights of persons involved with the criminal justice system will be produced by OSS staff but need not be printed by OSS.

All written materials, whether online or printed, will be translated into other languages as is the policy of the OSS but the OSS will absorb the cost of both the online and printed translations as part of the HAVA Account appropriation.

Revised

There are also provisions of Minnesota Rules that will require conformity to these statutes, but the statutes overrule these rules and the OSS does regular rulemaking and will include the necessary changes into the next round of rulemaking.

Expenditure and/or Revenue Formula

Felony Voter Rules and Language Computing Changes:

1. Election Division Business Analysis (16 hours)
2. OSS IT (80 hours)
3. Quality Assurance (40 hours)

Total hours: 136

136 hours x \$100/hour = \$13,600

Document defining the voting rights of persons involved with the criminal justice system:

1. Writing, editing and formatting (16 hours)

16 hours x \$50/hour = \$ 800

Translation

Computing:

1. Elections Division Business Analysis: (4 hours)
2. OSS Information Technology (IT): (16 hours)
3. Quality Assurance (QA): (16 hours)

Total hours: 36

18 hours x \$100/hour = \$3,600

Translation services:

Print/electronic translation \$2,000

Translation expenses to be absorbed by the HAVA Account appropriation: \$5,600

TOTAL COSTS **\$20,000** (2023)

Long-Term Fiscal Considerations

The costs on this bill are one-time costs.

Local Fiscal Impact

Local election administrators operating polling places with electronic pollbooks will need to modify the statements on the pollbook to accommodate the new language. This is a simple change.

Revised voter registration applications will need to be printed by counties as necessary.

Local election officials conduct municipal clerk and election judge training at least every two years and will include these changes in their next round of training.

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References/Sources

Bibi Black

651-201-1326

Agency Contact:

Agency Fiscal Note Coordinator Signature: Adam Hansen

Phone: 651-201-6870

Date: 1/19/2023 10:21:06 AM

Email: adam.hansen@state.mn.us

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 Committee: **Elections Finance & Policy**
 Date Completed: **1/19/2023 11:40:17 AM**
 Agency: **Corrections Dept**

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

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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: Karen McKey **Date:** 1/10/2023 2:35:19 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

Revised

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.

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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

H.F. 28 restores the civil right to vote to individuals who have been convicted of a felony upon their completion of any incarcerated period. The bill requires the chief executive officer of each state and local correctional facility to designate one official within the facility to provide a notice of restoration or rights and a voter registration application to individuals whose rights are restored following release.

Assumptions

The Department of Corrections assumes that (1) there are no new criminal penalties or penalty enhancements in the bill; (2) there would be no impact on the number of state prison beds of supervision caseloads statewide; and (3) the notice of restoration of civil rights and voter registration applications as required by the bill would be performed by existing staff.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

The Department estimates that the fiscal impact to local units of government is expected to be de minimis.

References/Sources

Department of Corrections Staff

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Date: 1/10/2023 2:32:27 PM

Phone: 651-259-3667

Email: kwesi.pasley@state.mn.us

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Chief Author: **Cedrick Frazier**
 Committee: **Elections Finance & Policy**
 Date Completed: **1/19/2023 11:40:17 AM**
 Agency: **Supreme Court**

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

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	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: Karen McKey **Date:** 1/6/2023 2:03:11 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	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

HF28 at section 1 adds a new subdivision 2a to Minn. Stat. § 201.014 to provide that an individual convicted of a felony has the right to vote restored when the individual is no longer incarcerated, or upon sentencing if no incarceration is imposed, and loses the right to vote only during any period of incarceration; at section 2 amends Minn. Stat. § 201.071, subd. 1, to require amendments to the voter registration application form to correct the statement about voting rights and felony convictions; at section 3 adds a new section 201.276 requiring the secretary of state to develop a single publication about voting rights for those convicted of a crime, which must be available electronically to the state court administrator for distribution to judges, court personnel, probation officers, and the commissioner of corrections; at section 4 amends Minn. Stat. § 204C.10 requiring amendments to the polling place roster and voter signature certificate to correct the statement about voting rights and felony convictions; at section 5 adds a new section 243.205 requiring correctional facilities to provide notice of restoration of the right to vote by reason of release from incarceration; and at section 6 amends Minn. Stat. § 609.165, subd. 1, to eliminate the reference to the right to vote and hold office being restored upon discharge from probation.

Assumptions

It is assumed that the provisions of this bill will not affect the resources required to process felony cases or significantly impact the judicial branch.

Expenditure and/or Revenue Formula

The provisions of this bill are not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

Agency Contact:

Revised

Agency Fiscal Note Coordinator Signature: Janet Marshall

Phone: 651-297-7579

Date: 1/6/2023 12:35:42 PM

Email: Janet.marshall@courts.state.mn.us