

S.F. No. 3 – Election and Campaign Finance Modifications (1st Engrossment)

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S.F. 3 includes multiple provisions relating to election administration and campaign finance. **Article 1** includes several provisions related to election administration, including restoring the right to vote to people convicted of felonies upon release from incarceration; preregistration of 16- and 17-year olds; automatic voter registration; and establishing permanent absentee voter lists. **Article 2** requires multilingual election judges and voting instructions and sample ballots to be provided in languages other than English under specified circumstances. The article also prohibits intimidation and interference with the voting process. **Article 3** makes changes to campaign finance laws, including modifying the definition of “expressly advocating,” and prohibiting contributions from foreign-influenced corporations.

Article 1 – Strengthen the Freedom to Vote

Section 1 [Ineligible voter data] says that data transferred to the secretary of state about applicants who are ineligible to vote is governed by **section 8**.

Section 2 [Felony conviction; restoration of civil right to vote] provides that an individual who was convicted of a felony has their civil right to vote restored when that person is no longer incarcerated.

Section 3 [Registration] allows 16- and 17-year olds and otherwise eligible to vote to submit a voter registration application.

Section 4 [Prohibitions; penalty] adds a cross reference to **section 8** in the section of law relating to prohibited voter conduct.

Section 5 [Preregistration] allows 16- and 17-year olds who meet all voter registration eligibility requirements except for age to submit a voter registration application or be automatically registered as provided in **section 8**. Individuals submitting a voter registration application must not appear on a polling place roster or cast a ballot until they satisfy all voter eligibility requirements.

Section 6 [Form] amends the voter registration application. The application must include a checkbox where a voter may indicate the desire to join the permanent absentee voter list. The certification language is amended to reflect the ability for 16- and 17- year-olds to preregister to vote.

Section 7 [Public information list] prohibits data on preregistered applicants to appear on the public information list until the voter is registered or has voting history.

Section 8 [Automatic voter registration] establishes a process where certain applications made to the state also serve as voter registration applications.

Subdivision 1 [Automatic registration] requires an individual to be registered to vote if : 1) the person is eligible to vote; 2) submits an application for a driver’s license or identification card, MinnesotaCare, or for benefits or services from a participating state agency; and 3) the application includes documentation or verification of the applicant’s US citizenship.

Subdivision 2 [Option to decline] requires the county auditor to notify an individual who submits an application that they may decline registration. An individual must not be registered if the individual declines within 20 days of submitting the application.

Subdivision 3 [Department of Public Safety], paragraph (a) requires the commissioner of public safety, in consultation with the secretary of state, to change the application for driver’s licenses and identification cards so that any forms that require documentation of citizenship may also serve as a voter registration application. The commissioner must make daily transmissions of the applicants to the secretary of state. At least monthly, the commissioner must submit data on applications to the secretary of state, who must publish a monthly report of this data.

Paragraph (b) prohibits the commissioner from transmitting an applicant’s information to the secretary of state unless the applicant provides proof of citizenship or has proved citizenship to the commissioner in previous applications.

Paragraph (c) provides that no one may be registered under this subdivision until the commissioner has verified the department’s systems have been tested and are shown to be accurate. This must be done by December 1, 2023.

Paragraph (d) provides a definition.

Subdivision 4 [Department of Human Services], paragraph (a) requires the commissioner of health, in consultation with the secretary of state, to ensure applications for MinnesotaCare also serve as voter registration applications for applicants who have presented proof of US citizenship. If permitted by the federal government, applications for Medical Assistance must also serve as voter registration applications for applicants who have presented proof of US citizenship. The commissioner must make daily transmissions of the applicants to the secretary of state. At least monthly, the commissioner must submit data to the secretary of state on the total number of individuals that completed qualifying transactions and how many records were transferred for registration.

Paragraph (b) provides that no one may be registered under this subdivision until the commissioner has verified the department's systems have been tested and are shown to be accurate. This must be done by December 1, 2023.

Subdivision 5 [Other agencies and units of government] requires the governor, in consultation with the secretary of state, to determine whether other state agencies must implement automatic voter registration. The governor must consider agencies if the agency collects, processes, or stores specified data on applicants. A qualifying agency must submit a report to the governor and secretary of state by December 1, 2024, outlining a plan to implement automatic voter registration. The governor must make a decision by June 1, 2025. No one may be registered under this subdivision until the commissioner has verified the department's systems have been tested and are shown to be accurate.

Subdivision 6 [Registration] requires the secretary of state to compare application information with lists of ineligible voters. If the applicant is on one of the lists, the secretary must not process the application. For applicants who do not appear to be ineligible, the secretary of state must determine if the applicant is currently registered to vote. If not, the secretary of state must transmit the registration to the county auditor. Data on applicants who are not eligible to vote are private data on individuals. A county auditor must cancel a voter's record in the SVRS upon receiving a written request from the voter.

Subdivision 7 [Prosecution of registration violations; voluntary action required] says that transferring a person's record does not constitute an attempt to register to vote for purposes of the law that imposes penalties for a person who intentionally attempts to register to vote if they are not eligible.

Subdivision 9 [Effective date of registration] provides that the effective date of registration is 20 days after the date the application is made. A person who submits an application during the 20 days before an election must be provided a notice advising the person on how to register to vote on election day.

This section is effective July 1, 2023.

Section 9 [Duties of state agencies] modifies the requirement that state agency commissioners and certain administrative officers must provide voter registration services for employees and the public so that they must also provide information on automatic voter registration and information on voter eligibility and registration. This section is effective July 1, 2023.

Section 10 [Duties of secretary of state; information about voting rights] requires the secretary of state to develop an accurate and complete publication about the voting rights of people who have been charged with or convicted of a crime. The publication must be provided to the state court administrator and commissioner of corrections for distribution to relevant employees and to the public.

Section 11 [Application procedures] makes a conforming change. Strikes language requiring a public list of people who have applied for absentee ballots. This is replaced by a new provision in section 16. This section is effective June 1, 2024.

Section 12 [Permanent absentee voter status] allows an eligible voter to apply to the county auditor or municipal clerk to automatically receive an absentee ballot before each election. This

replaces the current law that allows eligible voters to be automatically mailed an absentee ballot application before each election. This section does not apply to jurisdictions that conducts elections by mail. This section is effective June 1, 2024.

Section 13 [Printing and delivery of forms] strikes language relating to voters who automatically receive an absentee ballot application. This conforms with the change in **section 12**. This section is effective June 1, 2024.

Section 14 [Delivery of ballots] specifies the timeline for county auditors and municipal clerks to mail absentee ballots to voters on the permanent absentee ballot list. This section is effective June 1, 2024.

Section 15 [Names of persons; permanent absentee voters] requires the secretary of state to maintain a list of permanent absentee voters that is available to the public in the same manner as public information lists. This section is effective June 1, 2024.

Section 16 [Names of persons; absentee ballot applications] provides that the names of voters who have applied for an absentee ballot are public.

Section 17 [Duties of ballot board; absentee ballots] allows ballot board members to accept an absentee envelope if the voter's name and address on the envelope are the same as information on the voter's record or on the absentee ballot application. Current law requires the information on the envelope to match the information on the application. This section is effective June 1, 2024.

Section 18 [Voter's bill of rights] amends the voter's bill of rights to say that a person has the right to vote if they are not currently incarcerated for a conviction of a felony offense.

Section 19 [Polling place roster; voter signature certificate; voter receipt] amends the text on the polling place roster or voter signature certificate to say that if the voter has been convicted of a felony, the person is not incarcerated.

Section 20 [Notice of restoration of right to vote] requires the chief executive officer of each correctional facility to designate an official in the facility to provide notice of restoration of the right to vote and a voter registration application to a person whose right to vote is restored when the person is released from incarceration. The text of the notice is provided. Failure to provide the required notice does not prevent the restoration of the right to vote.

Section 21 [Restoration] strikes a reference to the right to vote in the existing section of law governing restoration of civil rights. Restoration of the right to vote is governed by **section 2**.

Section 22 [Appropriation] appropriates \$14,000 to the secretary of state to implement the sections relating to restoring the civil right to vote to people who have been convicted of a felony.

Article 2 – Protect Voters and Our Elections System

Section 1 [Voting instructions and sample ballots in languages other than English; multilingual election judges] requires voting instructions and sample ballots to be provided in languages other than English in certain situations. Interpreters are required in certain situations. The

determination on whether translated materials and interpreters are required is based on the members of a language minority in the area.

Section 2 [Intimidation and interference with the voting process; penalties] prohibits intimidation, interference, and deceptive practices related to voting or election-related activities. Criminal penalties are provided. A civil remedy to enforce the provisions of this section is established. A person may be held vicariously liable for damages.

Section 3 [Administrative remedy; exhaustion] makes a conforming change to specify that violations of **section 2** are enforced as provided in that section as opposed to filing a complaint with the Office of Administrative Hearings.

Article 3 – Modernize Campaign Finance System to Empower Voters and Increase Disclosure of Secret Spending

For purposes of this article, “Board” refers to the Campaign Finance and Public Disclosure Board.

Section 1 [Expressly advocating] amends the definition of “expressly advocating” to include communications that, when taken as a whole and with limited reference to external events, could only be interpreted by a reasonable person as containing advocacy for the election of or defeat of a candidate.

Section 2 [Contributions from certain types of contributors] prohibits a candidate from accepting a prohibited corporate contribution. This section is effective July 1, 2023.

Section 3 [Definitions] amends definitions in the existing law on corporate contributions. This section is effective July 1, 2023.

Section 4 [Foreign-influenced corporations] prohibits foreign-influenced corporations from making certain types of expenditures or contribution and from engaging in activities that are allowed for other corporations. This section is effective July 1, 2023.

Section 5 [Certification of compliance with subdivision 4a] requires a corporation that makes an authorized contribution or expenditure to submit a certification to the Board that it was not a foreign-influence corporation on the date the contribution or expenditure. This section is effective July 1, 2023.

Section 6 [Knowing violations] adds a cross reference to **section 4** in the section on corporate contribution violations. This section is effective July 1, 2023.