

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 3994:** A bill for an act relating to elections; establishing the Minnesota Voting Rights Act; making legislative findings; prohibiting certain actions by political subdivisions or other officials or entities with responsibilities related to election administration that result in voter suppression or vote dilution; establishing a civil cause of action for violations; requiring notice prior to a claim in certain cases; establishing remedies; amending Minnesota Statutes 2022, section 412.02, subdivision 6, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 200.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete section 3 and insert:

**"Sec. 3. [200.53] CONSTRUCTION AND USE OF AUTHORITY.**

A law, rule, local law, charter provision, local ordinance, or local code relating to the right to vote, or which grants authority to prescribe or maintain voting or elections policies and practices, must be construed or applied liberally in favor of a voter's exercise of the right of suffrage. To the extent a court is afforded discretion on an issue, including but not limited to discovery, procedure, admissibility of evidence, or remedies, the court must exercise that discretion and weigh other equitable discretion in favor of this right."

Page 3, delete lines 24 to 29 and insert:

"Subdivision 1. **Voter suppression.** (a) A political subdivision or any other government official or entity responsible for election administration must not adopt or apply a qualification for eligibility to vote or other prerequisite to voting; adopt or apply any law, ordinance, rule, standard, practice, procedure, or policy regarding the administration of elections; or take any other action or fail to take any action that results in, is likely to result in, or is intended to result in a denial or abridgement of the right to vote by a member of a protected class.

(b) A violation of this subdivision may be established if: (1) the challenged qualification, law, ordinance, rule, standard, practice, procedure, policy, or action results in a disparity in: (i) voter participation, (ii) access to voting opportunities, or (iii) the opportunity or ability to participate in the political process between a protected class and other members of the electorate; and (2) the totality of the circumstances show that the challenged qualification, law, ordinance, rule, standard, practice, procedure, policy, or action is related to social and historical conditions affecting members of the protected class."

Page 4, delete lines 1 to 5

Page 4, line 31, after "determining" insert "whether"

- 2.1 Page 4, line 32, after "remedy" insert "exists that would likely mitigate the impairment"
- 2.2 Page 5, line 15, delete everything after "determining" and insert "whether an appropriate  
2.3 remedy exists that would likely mitigate the impairment."
- 2.4 Page 5, delete lines 26 and 27
- 2.5 Renumber the clauses in sequence
- 2.6 Page 6, line 13, delete "a compelling" and insert "an important"
- 2.7 Page 6, line 15, delete "None of the factors" and insert "No one factor" and delete "are"  
2.8 and insert "is"
- 2.9 Page 6, line 20, after "violation" insert "of section 200.54"
- 2.10 Page 7, line 14, before "Except" insert "(a)"
- 2.11 Page 7, after line 18, insert:
- 2.12 "(b) The notice letter required by paragraph (a) must include a legal analysis setting  
2.13 forth the potential violations of section 200.54 with specificity. The letter must establish a  
2.14 voter suppression claim, a vote dilution claim, or both. The letter must include a discussion  
2.15 of any relevant factors established in section 200.55, subdivision 1, and must include evidence  
2.16 to support the claims."
- 2.17 Page 7, line 26, delete everything after "remedies."
- 2.18 Page 7, delete lines 27 to 33
- 2.19 Page 8, delete lines 1 to 4
- 2.20 Page 8, line 5, delete "(b)"
- 2.21 Page 8, line 6, delete everything before "the"
- 2.22 Page 8, line 10, delete "paragraph" and insert "subdivision"
- 2.23 Page 8, delete lines 17 to 27 and insert:
- 2.24 "Subd. 4. **When presuit notice is not required.** Notwithstanding subdivisions 1 and 2,  
2.25 a prospective plaintiff may file an action without first providing a notice letter if:
- 2.26 (1) the party is seeking preliminary relief with respect to an upcoming election in  
2.27 accordance with section 200.57;
- 2.28 (2) the party is seeking to intervene or join an action that alleges a substantially similar  
2.29 violation; or

(3) following the party's submission of a notice letter, the political subdivision has enacted a remedy that would not remedy the violation identified in the party's notice letter."

Page 9, line 7, delete "\$40,000" and insert "\$20,000"

Page 9, delete lines 26 to 31 and insert:

"Subd. 2. **Preliminary relief.** In any action seeking a temporary injunction or other preliminary relief under this act before an election, the court shall grant relief only if, in addition to any other factors considered in seeking an injunction or preliminary relief the court determines that it is possible to implement appropriate preliminary relief that would address the alleged violation before the election."

Page 10, delete sections 9 to 11 and insert:

"Sec. 9. **[200.59] FEES AND COSTS.**

In any action brought under this act, the court, in its discretion, may allow the prevailing party costs and reasonable attorney fees. If a party prevails on only a portion of their action, the court shall award costs and fees attributable only to that portion of the action. If the party against whom the action was filed prevails in the action, the court shall not award that party any costs or fees unless the court finds the action is frivolous.

Sec. 10. Minnesota Statutes 2022, section 204B.175, is amended to read:

**204B.175 CHANGE OF POLLING PLACE IN AN EMERGENCY.**

Subdivision 1. **Application.** When an emergency occurs after the deadline to designate a polling place for the purpose of absentee or early voting pursuant to section 203B.081, or after the deadline to designate a polling place pursuant to section 204B.16 but before the polls close on election day, a new polling place may be designated for ~~that election~~ pursuant to this section. For purposes of this section, an emergency is any situation that prevents the safe, secure, and full operation of a polling place, or when required to remedy a potential violation of section 200.54.

Subd. 2. **Changing polling place.** If a local election official determines that an emergency has occurred or is imminent, the local election official must procure a polling place that is as near the designated polling place as possible and that complies with the requirements of section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new polling place in the precinct, the polling place may be located outside of the precinct without regard to the distance limitations in section 204B.16, subdivision 1. If a polling location is changed to remedy a potential violation of 200.54, the location of the polling place must be selected to

remedy the violation. The local election official must certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Subd. 2a. **Designation of additional polling places.** A local election official may designate additional polling locations, notwithstanding the deadlines in section 203B.081, if additional designations are required to remedy a potential violation of section 200.54. The local election official must certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Subd. 3. **Notice.** (a) Upon making the determination to relocate a polling place, the local election official must immediately notify the county auditor and the secretary of state. The notice must include the reason for the relocation and the reason for the location of the new polling place. As soon as possible, the local election official must also post a notice stating the reason for the relocation and the location of the new polling place. The notice must also be posted on the website of the public body, if there is one. The local election official must also notify the election judges and request that local media outlets publicly announce the reason for the relocation and the location of the polling place. If the relocation occurs more than 14 days prior to the election, the local election official must mail a notice to impacted voters of the reason for the relocation and the location of the polling place.

(b) On election day, the local election official must post a notice in large print in a conspicuous place at the polling place where the emergency occurred, if practical, stating the location of the new polling place. The local election official must also post the notice, if practical, in a location visible by voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must include a statement that the polling place hours at the new polling place will be extended until the specified time."

Page 11, delete section 12

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "making"

Page 1, line 3, delete "legislative findings;"

Amend the title numbers accordingly

5.1 And when so amended the bill do pass. Amendments adopted. Report adopted.

5.2 \_\_\_\_\_  
5.3 (Committee Chair)

5.4 March 25, 2024.....

5.5 (Date of Committee recommendation)