

## S.F. No. 1636 – Elections Finance Omnibus (As amended by the A11 Amendment)

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### Article 1 Elections Appropriations

**Section 1 [Appropriations]** supplies parameters for the appropriations in article 1. Appropriations are from the general fund unless another fund is named. Defines “2024” and “2025” as the fiscal year that ends on June 30 of those years, respectively. Defines “the first year” as fiscal year 2024, “the second year” as fiscal year 2025, and “biennium” as fiscal years 2024 and 2025.

**Sections 2 – 8** appropriate money and make transfers, as detailed on a spreadsheet prepared by Andrew Erickson of Senate Counsel, Research, and Fiscal Analysis.

**Section 9 [Appropriation]** creates a statutory appropriation for funds in the Help America Vote Act account.

**Section 10 [Appropriation]** increases the amount transferred to the general account of the state elections campaign account each general election year.

### Article 2 Elections Policy

**Article 2** includes the policy provisions related to the appropriations in article 1. This article includes provisions from S.F. 1191 (Westlin; modifying election administration provisions); S.F. 1283 (Westlin; soliciting near the polling place); S.F. 1362 (Carlson; amending reports); S.F. 1434 (Westlin; establishing early voting); S.F. 1507 (Mitchell; prohibiting election judge intimidation); S.F. 2051 (Boldon; including all political subdivisions in lobbying provisions); S.F. 2270 (Morrison; providing option for local governments to implement ranked choice voting); S.F. 2845 (Murphy; increasing public subsidy appropriation); and the governor’s recommendations.

**Section 1 [Investigate offenses against provisions of certain designated sections; assist in enforcement]** requires the attorney general to assist in the enforcement of the new provisions that regulate intimidation and interference related to election officials performing official duties. This section is effective the day following final enactment.

**Section 2 [Lobbyist]** amends the definition of lobbyist to refer to attempting to influence official actions of a political subdivision, instead of metropolitan governmental units. This section is effective January 1, 2024.

**Section 3 [Content]** changes “metropolitan governmental unit” to “political subdivision” in the section on lobbyist reports. This section is effective January 1, 2024.

**Section 4 [Principal reports]** changes “metropolitan governmental unit” to “political subdivision” in the section on principal reports. This section is effective January 1, 2024.

**Section 5 [Lobbyist report]** changes “metropolitan governmental unit” to “political subdivision” in the section on lobbyist reports. This section is effective January 1, 2024.

**Section 6 [Contingent fees prohibited]** changes “metropolitan governmental unit” to “political subdivision” in the section on prohibiting contingent fees. This section is effective January 1, 2024.

**Section 7 [Definitions]** changes “metropolitan governmental unit” to “political subdivision” in the section on the gift ban. This section is effective January 1, 2024.

**Section 8 [Establishment]** requires the statewide voter registration system (SVRS) to provide reports for early voting. This section is effective January 1, 2024.

**Section 9 [Forms]** replaces the word “resided” with “maintained residence.

**Section 10 [Corrected list]** requires the secretary of state to have the final master list for county auditors 14 days before each election. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 11 [Presidential primary political party list]** requires the secretary of state to provide to each major political party chair a list of presidential nomination primary voters who selected that party.

**Section 12 [Commissioner of corrections report]** strikes the requirement for the court administrator to report to the secretary of state on individuals who have been convicted of a felony. Amends the commissioner of correction’s report to the secretary of state to require information only on individuals who are incarcerated for felony sentences. This section is effective June 1, 2023.

**Section 13 [Reports; restoration of right to vote]** strikes the requirement for the court administrator to report on individuals previously convicted of a felony whose rights have been restored. Amends the commissioner of correction’s report to the secretary of state to require information only on individuals who were incarcerated for felony sentences and have been released from incarceration. This section is effective June 1, 2023.

**Section 14 [Election law applicability]** specifies that election laws apply to early voting unless otherwise specified.

**Section 15 [Early voting]** defines early voting as voting in person before election day as specified in the bill.

**Section 16 [Violation]** adds references to early voting in the section prohibiting certain election-related activities.

**Section 17 [Generally]** allows a city clerk of a city located in more than one county to administer early voting under specified circumstances. This section is effective upon certification of that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 18 [Location; timing for absentee voting]** changes a headnote to specify the subdivision is for absentee voting. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 19 [Location; timing for early voting]** allows an eligible voter to vote using early voting procedures during the 18 days before a federal, state, county, or certain municipal elections. This section is effective upon certification that the statewide voter registration system is able to be used for this purpose. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 20 [Alternative procedure]** allows counties to provide ballot boxes for depositing absentee ballots to be made available during the 18 days before an election (instead of the 7 days in current law). Specifies that a voter must provide the voter's date of birth upon request. Allows election judges to perform duties required by this section. This section is effective June 1, 2023.

**Section 21 [Alternative procedure]** provides that when early voting is being used, the alternative procedure is not used. Allows counties to provide ballot boxes for depositing absentee ballots to be made available during the 18 days before an election (instead of the 7 days in current law). This section is effective upon certification that the statewide voter registration system is able to be used for this purpose.

**Section 22 [Temporary locations]** allows a county auditor or municipal clerk who administers early voting to designate additional polling places with alternate hours. This section is effective June 1, 2023.

**Section 23 [Town elections]** allows voters casting absentee ballots in person for March town elections to do so during the 30 days before the election. This section is effective June 1, 2023.

**Section 24 [Designation of locations]** requires the county auditor to designate polling places at least 14 weeks before the election. The county auditor must notify the secretary of state of the designations. This section is effective June 1, 2023

**Section 25 [Notice to voters]** requires the county auditor to prepare a notice to the voters of the days, times, and locations for in-person absentee and early voting. The notice must be posted on the

secretary of state's website and the applicable county and municipal websites. This section is effective June 1, 2023.

**Section 26 [Equipment]** requires the county auditor to provide each polling place with at least one voting booth, a ballot box, an electronic ballot counter, and at least one electronic ballot marker. This section is effective June 1, 2023.

**Section 27 [County auditor's and municipal clerk's offices to remain open during certain hours preceding election]** specifies the hours for early voting hours leading up to a general election. Provides for absentee voting and early voting hours for other elections. Specifies that absentee voters or early voters in line when a polling place closes must be allowed to vote in the same manner as voters in line on election day. This section is effective June 1, 2023.

**Section 28 [Names of persons; rejected absentee ballots]** makes the names of voters who have submitted absentee ballots available to the public. Strikes the requirement that the data be available only after the close of polls on election day. This section is effective June 1, 2023.

**Section 29 [Names of persons; early voting]** requires the secretary of state to maintain a list of voters who cast a ballot using early voting. The list must be available to the public. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 30 [Establishment; applicable laws]** requires counties or cities that administer early voting to establish a ballot board. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 31 [Duties of ballot board; absentee ballots]** amends the law on accepting absentee ballot envelopes. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days. This section is effective June 1, 2023.

**Section 32 [Record of voting]** provides that after the close of business on the 19<sup>th</sup> day before the election, a voter whose record indicates that the voter's absentee ballot has been accepted must not be permitted to cast another ballot. Requires this information to be in the statewide voter registration system for special elections for county office. (This is already required for other elections.) Strikes language about not requiring information to be included in the statewide voter registration system. A portion of this paragraph is effective immediately and a portion is effective June 1, 2023.

**Section 33 [Record of voting]** makes the same changes as the previous section but also adds references to early voting. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 34 [Opening of envelopes]** allows ballot boards to begin opening absentee ballot envelopes after the close of business on the 19<sup>th</sup> day before the election. For elections not using early voting, current law is unchanged and ballot envelopes may be opened and processed at the close of business on the seventh day before the election.

**Section 35 [Procedures for early voting]** provides the process and requirements for early voting. When a voter appears at the polling place, the voter must provide their name, address, and, if requested, the voter's date of birth. The early voting official must confirm the voter's registration is current and the voter's status is not challenged. If the voter's registration is not current, the voter must submit a new voter registration application. If the voter's status is challenged, the voter may resolve the challenge in the same manner as in a polling place on election day. A voter who has already cast a ballot must not be given a ballot. The voter signs the voter certification and is given a ballot. The voter marks the ballot and deposits it into the ballot box. At the end of each day, early voting officials must remove and secure the ballots. The absentee board must count the ballots after the polls have closed on election day.

**Section 36 [Write-in candidate]** allows a city, towns, school districts, and other local units of government to adopt a resolution to determine when write-in votes must be counted. Requires presidential candidates requesting write-in votes to be counted to include the name of the candidate for vice president. Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 37 [Election judges; violations; penalties]** allows a county auditor or municipal clerk to remove a precinct election official for neglect, malfeasance, misconduct, or other cause. This section is effective the day following final enactment.

**Section 38 [Election supplies; duties of county auditors and clerks]** requires the county auditor to prepare and provide early voting election materials to city clerks. This section is effective upon certification that the statewide voter registration system can be used for early voting and applies for elections on January 1, 2024, or 85 days after certification, whichever is later.

**Section 39 [Authorization]** allows all towns and cities with fewer than 400 registered voters to use mail balloting.

**Section 40 [Procedure]** Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days. Replaces "resides" with "maintains residence." This section is effective June 1, 2023.

**Section 41 [Mail elections; questions]** allows offices to be voted on in a mail election where school and municipal jurisdictions overlap and one jurisdiction has a question on the ballot. Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days. This section is effective June 1, 2023.

**Section 42 ["I voted" stickers]** strikes references to specific sections on depositing ballots into the ballot box.

**Section 43 [Ranked choice voting election]** specifies that votes cast in a ranked choice voting election must be counted as provided in chapter 204E.

**Section 44 [Applicability; authorized local adoption only]** specifies that the newly created chapter 204E applies to ranked choice voting elections. Minnesota election law applies to ranked choice voting elections unless otherwise provided.

**Section 45 [Definitions]** provides definitions for ranked choice voting.

**Section 46 [Authorization for local adoption]** allows cities and school districts to adopt ranked choice voting for local elections after January 1, 2025. This applies only to cities and school districts that hold elections in odd-numbered years.

**Section 47 [Ballots in local ranked choice voting elections]** specifies ballot format for ranked choice voting elections. If there are three or more qualified candidates, the ballot must allow a voter to rank at least three candidates for each office and must allow for write-in candidates. If an election uses ranked choice voting for some offices, the ranked choice voting and non-ranked choice voting offices must be separated. The local ranked choice voting local election official must adopt the necessary procedures for the selected ballot format.

**Section 48 [Local ranked choice voting tabulation center]** requires the ranked choice voting local election official to designate a ranked choice voting tabulation center. Specifies where election materials must be delivered after an election. There may be a recess after the materials are delivered. Process for counting write-in votes is specified. After all votes have been recorded, votes shall be tabulated. The counting must continue until preliminary results for all races are determined.

**Section 49 [Tabulation of votes; single-seat local ranked choice voting elections]** specifies the process to be used when ranked choice voting is used for an office in which one seat is to be filled. Provides the method for counting votes in the initial and subsequent rounds.

**Section 50 [Tabulation of votes; multiple-seat local ranked choice voting elections]** specifies the process to be used when ranked choice voting is used for an office in which two or more seats are to be filled. Provides the method for counting votes in the initial and subsequent rounds.

**Section 51 [Local ranked choice voting elections; reporting results]** requires each precinct to print a precinct summary statement with must include the number of first choice votes cast for each candidate. The local election official must provide a tabulation summary statement of each race that includes specified information. In jurisdictions where ballots are scanned and recorded electronically, the local election official must provide an electronic spreadsheet of the cast vote record. The jurisdiction must canvass the election returns as provided by current law and the canvassing board report must include the information required in the ranked choice voting tabulation center summary statement and the number of registered voters by precinct, the number of same-day voter registrations, and the number of absentee voters.

**Section 52 [Local ranked choice election recounts]** provides that a candidate defeated in the final round of tabulation may request a recount in the same manner as for non-ranked choice voting elections. A candidate defeated in an earlier round may request a recount as provided in this section and at the candidate's own expense. Existing rules on recounts apply to recounts under this section. The recount may start with the round in which a candidate who is requesting a recount was defeated.

**Section 53 [Local ranked choice elections; postelection review]** specifies the process for postelection review of a ranked choice voting election. Specifies the number of precincts to be hand-counted as part of the review process. If the review shows a vote difference above the stated threshold, additional review is required. The local election official must report the results of the postelection review to the county auditor and make the results available to the public. If a voting system failed to accurately record votes, the voting system must not be used again until the county auditor approves its use.

**Section 54 [Rules; local option ranked choice voting]** authorizes the secretary of state to adopt rules to implement the requirements of this article.

**Section 55 [Notice of filing dates]** specifies that the notice to file affidavits of candidacy must include the method of election to be used for that office.

**Section 56 [Testing of voting systems]** specifies that the public accuracy testing must test ranked choice voting capabilities if ranked choice voting will be used.

**Section 57 [Prohibited connections]** prohibits a county auditor or municipal clerk from creating or disclosing an electronic image of the hard drive of an electronic voting system. This section is effective the day following final enactment.

**Section 58 [Candidates on the ballot]** makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 59 [When and where filed by committees]** amends the timing of candidate reports in jurisdictions where local primaries are not held because of ranked choice voting.

**Section 60 [Intimidation and interference related to the performance of duties by an election official; penalties]** prohibits: intimidating of an election official; interfering with an election official's performance of election-related duties; disseminating of personal information about election officials; obstructing access to a polling place; tampering with voting equipment, ballot boxes, the statewide voter registration system, registration lists, or polling place rosters; and accessing the statewide voter registration system without authorization. Provides for criminal penalties and civil remedies. This section is effective June 15, 2023, and applies to violations occurring on or after that date.

**Section 61 [Soliciting near polling places]** prohibits certain activities near a polling place during absentee and early voting periods and on election day. Prohibited activities include asking a voter to vote in a certain way or wearing items that display information related to a candidate, ballot question, or political party that appears on the ballot. This section is effective June 15, 2023.

**Section 62 [Administrative remedy; exhaustion]** provides that violations of section 4 are enforced as provided in that section and not by the Office of Administrative Hearings. This section is effective the day following final enactment. This section is effective the day following final enactment.

**Section 63 [Certification]** requires the secretary of state to certify to the revisor of statutes that the statewide voter registration system has been tested and is ready to use for early voting.

**Section 64 [Ranked choice voting grants]** requires the secretary of state to administer grants to local governments for the following uses related to ranked choice voting: 1) equipment and professional consulting; and 2) public education campaigns.

**Section 65 [Ranked choice voting task force]** establishes the Ranked Choice Voting Task Force. The task force must engage stakeholders to assess the adoption and implementation of statewide ranked choice voting and recommend implementation standards for local adoption. The task force must submit annual reports to the legislature starting in 2024 and ending in 2027, unless the task force votes to submit its final report early. Each report must include specified information on

statewide ranked choice voting and local option ranked choice voting. This section is effective July 1, 2023.

**Section 66 [Repealer]** repeals Minnesota Statutes section 203B.081, subd. 2, relating to town elections. The repealed language is replaced by new language in the bill.