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HF 4772 – Elections Policy Omnibus (1st Unofficial Engrossment)

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HF 4772 is the elections omnibus policy bill. Article 1 of the bill includes a variety of provisions relating to campaign finance and lobbying, redistricting, and election policy and administration. Article 2 of the bill includes the Minnesota Voting Rights Act.

Article 1 – Elections, Campaign Finance, and Redistricting Policy

Section 1 [§2.92, subd. 4; Applicability] prohibits a person from denying access to multiunit housing facilities to United States Census Bureau employee who is engaged in official census business, regardless of when the activity is conducted. This is from S.F. 3875 (Mitchell).

Section 2 [§2.93; Incarcerated persons in district plans] provides that for purposes of redistricting, the legislature and local governments must use the federal census data as modified by reallocating and excluding persons who are incarcerated based on their last known address immediately prior to incarceration. Provides the process for reallocation and exclusion. Establishes duties for the Department of Corrections and the Legislative Coordinating Commission. This section is effective January 1, 2030, and applies to population counts used for redistricting conducted on or after that date. This is from S.F. 3878 (Mitchell).

Section 3 [§5.305; Use of funds] allows funds from the voting operations, technology, and election resources account to be used for transitioning to a .gov domain. This is from S.F. 4039 (Westlin).

Section 4 [§10A.01, subd. 7; Ballot question] amends the definition of “ballot question” in chapter 10A to include all ballot questions voted on by voters in a county, city, school district, township, and special district, instead of only those voted on by voters in Hennepin County, Minneapolis, and Special School District No. 1. This is from S.F. 3499 (Boldon).

Section 5 [§10A.01, subd. 10d; Local candidate] amends the definition of “local candidate” in chapter 10A to include county, city, school district, township, and special district offices, instead of only Hennepin County Count offices, Minneapolis city offices, and School board offices in Special School District No. 1. This is from S.F. 3499 (Boldon).

Section 6 [10A.01, subd. 16b; Employees of a political subdivision] defines the term “employee of a political subdivision” in chapter 10A. This section is effective the day following final enactment. This is from S.F. 4700 (Putnam).

Section 7 [§10A.01, subd. 21; Lobbyist] amends the definition of “lobbyist” in chapter 10A. Strikes references to urging others to communicate with public or local officials. Excludes the following individuals from the definition:

- 1) an individual providing information, advice, professional opinions, or expertise to a public or local official at a lobbyist’s request; and
- 2) an individual providing information or advice to members of a collective bargaining unit when the unit is actively engaged in the collective bargaining process with a state agency or a political subdivision.

This section is effective the day following final enactment. This is from S.F. 4700 (Putnam).

Section 8 [§10A.01, subd. 33; Principal] amends the definition of “principal” in chapter 10A. Increases the threshold from \$500 to \$3000 so that a principal is an individual or association that spends more than \$3000 in the aggregate in a calendar year to engage or compensate a lobbyist. Strikes language linking the two clauses. Expands the application from metropolitan governmental units to all political subdivisions. This section is effective the day following final enactment. This is from S.F. 4700 (Putnam).

Section 9 [§10A.04, subd. 6; Principal reports] requires a principal to report to the Campaign Finance and Public Disclosure Board total amounts, rounded to the nearest \$5,000 spent by the principal on specified types of lobbying. Current law requires the amounts to be rounded to the nearest \$9,000. This is from S.F. 3457 (Westlin).

Section 10 [§10A.20, subd. 2a; Local election reports] renames the pre-primary report as the July report. This is a report that must be filed by political committees, political funds, and political parties during a non-general-election year. This is from S.F. 3499 (Boldon).

Section 11 [§10A.20, subd. 12; Failure to file; late fees; penalty] allows the Campaign Finance and Public Disclosure Board (“Board”) to impose a late filing fee for failure to file a required report. For reports where the total expenditures or disbursements that occurred during the reporting period exceeds \$25,000, the board may impose an additional late filing fee of up to two percent of the amount of the expenditures or disbursements. Allows the Board to impose escalating fees if late filing fees are imposed multiple times during a period of four years. This section is effective July 1, 2024. This is from S.F. 4729 (Carlson).

Section 12 [§10A.201, subd. 3; Targeted to the relevant electorate] merges the definitions of “can be received by 10,000 or more individuals” and “targeted to the relevant electorate” in the section on electioneering communication. Adds email blasts, text blasts, telephone banks, and paid digital ads or communications to the types of communications that may be subject to the electioneering communications requirements. This section is effective January 1, 2025. This is from S.F. 4729 (Carlson).

Section 13 [§10A.201, subd. 4; Direct costs of producing or airing electioneering communications] amends the definition of “direct costs of producing or airing electioneering communications” to include costs to access any platform used to disseminate messages digitally

online or by electronic means to a person’s phone or other personal device. This section is effective January 1, 2025. This is from S.F. 4729 (Carlson).

Section 14 [§10A.201, subd. 6; Electioneering communication] amends the definition of “electioneering communication” to include references to digital communications. This section is effective January 1, 2025. This is from S.F. 4729 (Carlson).

Section 15 [§10A.201, subd. 9; Publicly distributed] amends the definition of “publicly distributed” in the electioneering communications section to include dissemination in digital format online or by other electronic means to a person’s phone or other personal device. This section is effective January 1, 2025. This is from S.F. 4729 (Carlson).

Section 16 [§10a.202, subd. 1; Reports required] adds a reference to political funds and political party units in the section requiring electioneering communication statements and reports. This is from S.F. 4729 (Carlson).

Section 17 [§10A.27, subd. 17; Penalty] allows the Board to impose late filing fees related to reports and statements related to contributions or use of general treasury money. The Board must mail notice that the individual or association may be subject to a civil penalty for failure to file the statement. Strikes the language that allowed the penalty to go above the cap in instances where the violation was intentional. Allows the Board to impose escalating fees if late filing fees are imposed multiple times during a period of four years. This section is effective July 1, 2024. This is from S.F. 4729 (Carlson).

Section 18 [§123B.09, subd. 5; Appointments to fill vacancies; special elections] provides that if a vacancy occurs in a school board office with less than two years remaining in the term, the board fills the vacancy by appointment and there is no special election. If the vacancy occurs because a school board member was removed by the board for cause, a special election must be held as soon as possible. If the vacancy occurs less than 90 days before the expiration of the term, the board may, but is not required to, fill the vacancy by appointment. Strikes the provision that allows the person elected at a special election to take office immediately after receiving the certificate of election, filing the bond, and taking the oath of office. This section is effective July 1, 2024, and applies to vacancies occurring on or after that date. This is from S.F. 4951 (Westlin).

Section 19 [§200.02, subd. 7; Major political party] amends the definition of “major political party” by striking the five percent threshold that applied to general elections held on or before November 8, 2022, and strikes a reference to the eight percent threshold applying at general elections held on or after November 7, 2024. This section is effective August 1, 2024. This is from S.F. 4729 (Carlson).

Section 20 [§201.061, subd. 3; Election day registration] strikes student IDs coupled with the student residential housing list from the list of ways a person may prove residency for purposes of same day registration. See the next section where student IDs are included in a different section related to proofs of residence for student voters. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 21 [§201.061, subd. 3a; Additional proofs of residence permitted for students] allows students in postsecondary educational institutions to use the following photo IDs coupled with the student residential housing list for purposes of same day voter registration: a student ID (allowed under current law); a driver’s license; a document approved by the secretary of state as proper ID;

or a tribal ID card. Reorganizes the order of paragraph (a). This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 22 [§201.071, subd. 1; **Form**] requires the paper voter registration application to provide a space for a voter to provide a physical description of the location of their residence if the voter resides in an area without a specific physical address. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 23 [§201.071, subd. 3; **Deficient registration**] adds a reference to the location of reference in the statute about deficient voter registration applications. This is a conforming change to section 22. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 24 [§201.091, subd. 4; **Public information lists**] provides that a recipient of the public voter information list must not make the list public on the internet on any list, database, or other similar searchable format or sell, loan, provide access to, or otherwise surrender any information from the list to any other person or entity with certain enumerated exceptions. This section is effective the day following final enactment. This is from S.F. 3818 (Westlin).

Section 25 [201.1611, subd. 1; **Forms**] requires school districts to provide voter registration applications to students who are eligible to register or pre-register to vote. Specifies that the applications may be paper or electronic registration applications. This is from S.F. 3871 (Cwodzinski).

Section 26 [§203B.04, subd. 1; **Application procedures**] allows for electronic submission of absentee ballot applications to be used for all elections except for town elections in March. Currently, this process is only allowed for federal, state, and county elections. This section is effective September 1, 2025. This is from S.F. 4432 (Westlin).

Section 27 [§203B.07; subd. 3; **Eligibility certificate**] allows a US citizen who is 18 or older to sign the eligibility certificate on an absentee ballot signature envelope. This is a change from the current requirement that the person be a registered voter. This section is effective for elections for which the absentee ballot period begins on or after January 1, 2025. This is from S.F. 4432 (Westlin).

Section 28 [§204B.09, subd. 3; **Write-in candidate**] requires the city clerk to notify the county auditor that the city has adopted a resolution requiring write-in candidates to request votes for them to be counted. The notice must be given before the first day of filing for office. A resolution governing the counting of write-in candidate votes remains in effect until a subsequent resolution is adopted. This is from S.F. 3818 (Westlin).

Section 29 [§204B.16, subd. 1; **Authority; location**] deletes redundant language. This is from S.F. 3818 (Westlin).

Section 30 [§204B.295, subd. 1; **Duty**] specifies that the secretary of state must prepare and provide example ballots for state elections. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 31 [§204B.295, subd. 2; **Designation of language minority district**] requires that the secretary of state or county auditor determine the percentage of residents in each census tract who are members of a language minority by January 1 of each year (instead of 90 days before an

election). Requires the state demographer to consider the margin of error in the census data when identifying census tracts. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 32 [§204B.295, subd. 3; Translation required; interpreter required] amends the section that requires translation or interpreter services in specified areas. If more than one language is represented in three percent or more of residents, translated materials must be provided in the highest determined language and any language representing three percent or more of a census tract. If more than one language is represented in 20 or more percent of residents, translated materials must be provided in the highest determined language and any language representing three percent or more of a census tract. The county auditor must maintain a list of the designated language minority districts on its website. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 33 [§204B.295, subd. 5; Sample ballot format requirements] requires sample ballots to accurately reflect the offices, candidates, and rotation sequences of the ballots used in the polling place. Sample ballots may deviate from other formatting requirements to the extent required to accommodate the translated content. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 34 [§204C.06, subd. 1; Persons allowed near polling place] strikes the definition of “exit polling,” which is moved to the next section. This is from S.F. 4432 (Westlin).

Section 35 [§204C.06, subd. 1a; Exit polling] includes the definition of “exit polling” that was stricken in the previous section. Requires a person conducting exit polling to present photo identification and a letter or credential from the news media to the head judge upon arriving at the polling place. A person must not conduct exit polling in a manner that unlawfully interferes with a person entering the polling place or allows any person to view another person’s response to the poll. This is from S.F. 4432 (Westlin).

Section 36 [§204C.19, sub. 3; Premature disclosure of count results] allows count results from absentee ballots received by the county after 3 p.m. on election day to be added to the total results after initial results reporting of the precinct. If the precinct results do not include all absentee ballots, the county must report to the secretary of state and on the county’s website the number of absentee ballots yet to be processed. After processing the remaining ballots, the county must post on the county’s website how many of the ballots were accepted and added to the totals. This is from S.F. 4432 (Westlin).

Section 37 [§204C.20, subd. 1; Determination of proper number] strikes the requirement for election judges to add the number of accepted absentee ballots to the number of signed voter certificates or names on the election register. This is because absentee ballots are not processed at the polling place on election day. This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 38 [§204C.20, subd. 5; Precincts with ballot tabulators] requires that in precincts using ballot tabulators, once the final count of ballots agrees with the number of ballots to be counted, election judges must immediately prepare the summary statement and seal the ballots for return to the county auditor. This is from S.F. 3818 (Westlin).

Section 39 [§204C.24, subd. 1; Information requirements] provides that the number of ballots marked with an assistive voting device that produces alternative ballot styles only needs to be

included in the precinct summary statement if a precinct uses that style of ballot. This is from S.F. 3818 (Westlin).

Section 40 [§204C.33, subd. 1; County canvass] requires the county canvassing board to and the county auditor to meet at the county auditor's office between the third and eighth days following the state general election. Current law requires the meeting to be between the third and tenth day. This is from S.F. 3818 (Westlin).

Section 41 [§204C.33, subd. 3; State canvass] requires the State Canvassing Board to meet on the 16th day following the state general election. Current law requires the meeting to occur on the third Tuesday after the state general election. This is from S.F. 3818 (Westlin).

Section 42 [§204C.35, subd. 1; Publicly funded recounts] adds a cross reference a new subdivision on recounts for presidential electors. This is from S.F. 3818 (Westlin).

Section 43 [§204C.35, subd. 2; Discretionary candidate recounts] provides that if the result of the vote counting in the manual discretionary recount of a federal, state, or judicial race is different from the result of the vote counting reported on election day by a margin of greater than two votes and greater than one-quarter of one percent of the number of ballots counted, the cost of the recount must be paid by the jurisdiction conducting the recount. This is from S.F. 3818 (Westlin).

Section 44 [§204C.35, subd. 2b.; Recount for presidential electors] requires a request for a recount for presidential electors to be made by 5 pm on the day after the canvass is completed. The recount must be completed and certified by the canvassing board no later than 6 days after the recount is requested. This is from S.F. 3818 (Westlin).

Section 45 [§204C.36, subd. 2; Discretionary candidate recounts] provides that if the result of the vote counting in the manual discretionary recount of a local race is different from the result of the vote counting reported on election day by a margin of greater than two votes and greater than one-quarter of one percent of the number of ballots counted, the cost of the recount must be paid by the jurisdiction conducting the recount. This is from S.F. 3818 (Westlin).

Section 46 [§204C.16, subd. 3; Discretionary ballot question recounts] strikes a reference to the threshold for ballot question recounts. Refers to the threshold for requesting a recount as the difference between the votes for the question and the number required for passage (instead between the votes for and against). This is from S.F. 3818 (Westlin).

Section 47 [§205.16, subd. 2; Sample ballot, publication] specifies that the municipal clerk must post a public notice only for municipal elections that are not held in conjunction with statewide elections.

Section 48 [§205.16, subd. 4; Notice to auditor] requires the municipal clerk to provide notice to the county auditor of the date of an election at least 84 days (instead of 74 days) before an election. The municipal clerk must provide notice of a canceled special election to the county auditor at least 84 days (instead of 74 days) before an election. This is from S.F. 3818 (Westlin).

Section 49 [§205.16, subd. 5; Notice to secretary of state] requires the county auditor to notify the secretary of state a notice of election at least 84 days (instead of 74 days) before a municipal election. This is from S.F. 3818 (Westlin).

Section 50 [§205A.05; Cancellation] allows a school board to cancel a special election not less than 84 days (instead of 74 days) before any election. Strikes a separate timeline for standalone elections. This is from S.F. 3818 (Westlin).

Section 51 [§205A.07, subd. 3; Notice to auditor] requires the school district clerk to provide notice to the county auditor at least 84 days (instead of 74 days) before an election. The school district clerk must provide notice of a canceled special election to the county auditor at least 84 days (instead of 74 days) before an election. This is from S.F. 3818 (Westlin).

Section 52 [§205A.07, subd. 3b; Notice to secretary of state] requires the county auditor to notify the secretary of state of a notice of election at least 84 days (instead of 74 days) before a school district election. This is from S.F. 3818 (Westlin).

Section 53 [§205A.11, subd. 2; Combined polling place] amends the section related to school districts combining polling places. Specifies that the section applies to any changes to combined polling places. This is from S.F. 3818 (Westlin).

Section 54 [§206.61, subd. 1; Official responsible for providing ballots] requires precincts that use alternative ballot styles to provide paper ballots in precincts that hand count ballots. This is from S.F. 3818 (Westlin).

Section 55 [§206.89, subd. 2; Selection for review; notice] moves up the postelection review timeline so that it must not begin before the 8th day after the state election and must be complete no later than the 12th day after the state general election. The current timeline is the review must not begin before the 11th day after the state general election and completed no later than the 18th day after the state general election. This is from S.F. 3818 (Westlin).

Section 56 [§206.89, subd. 3; Scope and conduct of review] requires the postelection review to be completed no later than one day before the meeting of the state canvassing board meeting. Current law requires the review to be completed no later than two days before the meeting. This is from S.F. 3818 (Westlin).

Section 57 [§206.89, subd. 5; Additional review] requires additional review, if necessary, to be completed within one day (instead of two days). Results must be reported to the secretary of state within six days (instead of one week). If there is a recount, the recount must be completed, and the results reported within one week (instead of two weeks) after the postelection review received notice from the secretary of state. This is from S.F. 3818 (Westlin).

Section 58 [§206.89, subd. 6; Report of results] requires the county auditor to submit the results of the post-election review to the secretary of state no later than one day (instead of two days) before the State Canvassing Board meets. This is from S.F. 3818 (Westlin).

Section 59 [§208.06; Electors and alternates to meet at state capitol] provides that the governor's designee may deliver a certificate of the names of the electors. Requires the electors to meet at the State Capitol and strikes the requirement it be in the executive chamber. This is from S.F. 3818 (Westlin).

Section 60 [§208.44; Certification of electors] makes a technical correction to a reference to federal law. This is from S.F. 3818 (Westlin).

Section 61 [§208.47; Elector replacement; associated certificates] makes a technical correction to a reference to federal law. This is from S.F. 3818 (Westlin).

Section 62 [§209.01, subd. 2; Statewide office] strikes a reference to presidential electors in the definition of statewide office in the chapter on recounts. This reflects the establishment of a new chapter of law for recounts for presidential electors. This is from S.F. 3818 (Westlin).

Section 63 [§209A.01; Definitions] provides that the definitions in chapter 200 (general election provisions) apply to the newly established chapter 209A, which governs presidential elector recounts. This is from S.F. 3818 (Westlin).

Section 64 [§209A.02; Contestant; grounds] allows an eligible voter to contest the election of the presidential elector as provided in the newly established chapter 209A. This is from S.F. 3818 (Westlin).

Section 65 [§209A.03; Notice of contest] establishes the process and timeline for contesting the presidential elector election. The notice of contest is filed with the Minnesota Supreme Court. This is from S.F. 3818 (Westlin).

Section 66 [§209A.04; Contestee's answer] provides that a contestee is not required to file an answer to a notice of contest if the contest only questions who received the highest number of votes legally cast. Provides a process for filing an answer in all other cases. This is from S.F. 3818 (Westlin).

Section 67 [§209A.05; Venue] provides that the court for the contest is the Minnesota Supreme Court. This is from S.F. 3818 (Westlin).

Section 68 [§209A.06; Guarding and inspecting the ballots] allows for the guarding and inspection of ballots as provided under current law for other recounts. This is from S.F. 3818 (Westlin).

Section 69 [§209A.07; Pleadings; procedure] specifies that the notice of contest and answer are the pleadings in the case and may be amended at the discretion of the court. The contest proceedings must be brought as soon as practicable. The court must issue its decision at least one day before the deadline to submit the certificate of ascertainment as required by federal law. This is from S.F. 3818 (Westlin).

Section 70 [§209A.08; Results of contest] authorizes the court to invalidate and revoke any election certificate which has been issued to a presidential elector. The court must declare the election invalid if the court decides that a serious and material defect in the ballots used changed the outcome. Provides for awarding of costs of the contest. This is from S.F. 3818 (Westlin).

Section 71 [§211A.01, subd. 3; Candidate] amends the definition of “candidate” in chapter 211A to strike the inclusion of candidates for U.S. Senate and House of Representatives. This is from S.F. 3499 (Baldon).

Section 72 [§211A.01; subd 4a; Committee] defines “committee” to mean a group established by a candidate of two or more people working together to support the election of the candidate to a political subdivision office. A committee may accept contributions and make disbursements on behalf of the candidate. This is from S.F. 3499 (Baldon).

Section 73 [§§211A.01, subd. 7; **Filing officer**] amends the definition of “filing officer” by striking a reference to the other officer authorized by law to place a ballot question on the ballot. This is from S.F. 3499 (Boldon).

Section 74 [§211A.01, subd. 8; **Political purposes**] amends the definition of “political purposes” to specify that it applies to voting for a candidate. This is from S.F. 3499 (Boldon).

Section 75 [§211A.02, subd. 1; **When and where filed by committees or candidates**] amends reporting requirements for a committee or candidate who receives contributions or disbursements of more than \$750 in a calendar year. In a year when a candidate receives contributions or makes disbursements of more than \$750, the candidate must file the specified reports. Timelines for reports are modified. Guidance is provided on when reporting obligations begin and are discharged. Until a final report is filed, candidates are required to file an annual report in January of each year including information about the previous year. This is from S.F. 3499 (Boldon).

Section 76 [§211A.02, subd. 2; **Information required**] makes clarifying and conforming changes to the information required on the report filed by a candidate or committee. Requires that the amount, date, and purpose of each disbursement be included only if disbursements made to the same vendor exceed \$100 in the aggregate during the period covered by the report. This is from S.F. 3499 (Boldon).

Section 77 [§211A.05, subd. 1; **Penalty**] strikes references to ballot questions. This is from S.F. 3499 (Boldon).

Section 78 [§211A.06; **Failure to keep account; penalty**] adds a reference to a candidate in a list of people who may be guilty of a crime in regards to keeping account records. This is from S.F. 3499 (Boldon).

Section 79 [§211A.07; **Bills when rendered and paid**] makes technical or conforming changes to match definitional changes. This is from S.F. 3499 (Boldon).

Section 80 [§211A.12; **Contribution limits**] adds references to terms defined in chapter 10A. Makes a conforming change to match a definitional change. This is from S.F. 3499 (Boldon).

Section 81 [§211A.14; **Contributions and solicitations during legislative session**] makes a conforming change to match a definitional change. Adds references to terms defined in chapter 10A. This is from S.F. 3499 (Boldon).

Section 82 [§211B.076, subd. 4; **Dissemination of personal information about an election official**] expands the definition of “personal information” to include the official’s home telephone number, cell phone number, personal email address, minor children’s names, and pictures of the official’s minor children. The home address of an election official’s family member is removed from the definition. This section is effective August 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3481 (Westlin).

Section 83 [§211B.077; **Absentee Ballot applications distributed by committees and private organizations**] requires any mailing sent by a committee or private organization that includes an absentee ballot application or sample ballot to include statements that indicate that the mailing is not

official communication from a unit of government. If a sample ballot is included, the ballot must state that it is not an official ballot.

Section 84 [§ 211B.71, subd. 1; Forfeiture of nomination or office] adds a cross reference to Minnesota Statute § 609.771 (use of deep fake technology to influence an election). The effect of adding the cross reference here is that if a candidate is found guilty of that section, the court must enter a supplemental judgement declaring that the candidate has forfeited the nomination or office. This section is effective July 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3550 (Maye Quade).

Section 85 [§211B.18; Disqualified candidate not to hold various positions] adds cross-references to Minnesota Statute § 609.771 (use of deep fake technology to influence an election). The effect of adding cross references here is that a candidate whose election to office has been set aside for violating or who has been convicted of a violation of § 609.771 may not be appointed to fill a vacancy in that office, including an office for which the legislature may establish qualifications under the state constitution. This section is effective July 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3550 (Maye Quade).

Section 86 [§241.062; Collection of incarcerated person’s address] requires the commissioner to make all reasonable efforts to ensure the information described in section 2 is collected and recorded as part of a person’s intake process. An incarcerated person who has safety concerns about providing an address may decline to provide an address. Data collected is private data on individuals. The commissioner must provide the information electronically to the Director. This is from S.F. 3878 (Mitchell).

Section 87 [§243.205, subd. 3a; Form of notice] amends the notice that is provided to a person upon release from incarceration notifying the person that the person’s right to vote has been restored. A list of information that must be included in the notice is provided. This replaces the notice language that is being repealed. This is from S.F. 3818 (Westlin).

Section 88 [§375.08; Board to fill vacancies in county offices] amends the law on filling vacancies for county offices. Specifies that appointments to fill vacancies must be done at a regular or special meeting. Strikes the requirement for personal service for notice of the meeting. When a vacancy occurs in the office of sheriff or county attorney less than 84 days before the state primary in the last year of the term, the county board may fill the vacancy by appointment, but the person appointed only serves until the general election. The person who wins at the general election takes office immediately upon receiving the certificate of election, filing the bond, and taking the oath of office. This is from S.F. 3555 (Carlson).

Section 89 [§375.081; Vacancy in office of sheriff or county attorney] allows a vacancy in the office of sheriff or county attorney to be filled by special election instead of by appointment. The county board may, by resolution, call for a special election to fill the vacancy on a uniform special election date. The person elected must take office immediately after receiving the certificate of election and upon filing the bond and taking the oath of office and must serve the remainder of the unexpired term. This section does not apply to a vacancy that occurs less than 84 days before the state primary in the last year of a term. This is from S.F. 3555 (Carlson).

Section 90 [§447.32, subd. 3; Election notices] requires the hospital district clerk to provide notice to the county auditor of the date of an election at least 84 days (instead of 74 days) before an election. This is from S.F. 3818 (Westlin).

Section 91 [§471.3422; Website domain requirement for certain counties, cities, and towns] requires every county and each municipality that administers elections to use a .gov domain website address by June 1, 2026, for the county or city website. If a municipality has applied for a .gov domain but has not fully transitioned to using it by June 1, 2026, the municipality is not in violation of this section, but that municipality will be in violation if it still has not transitioned fully to using a .gov domain by June 1, 2028. This is from S.F. 4039 (Westlin).

Section 92 [§609.5151, subd. 1; Definition] expands the definition of “personal information” to include the official’s home telephone number, cell phone number, personal email address, minor children’s names, and pictures of the official’s minor children. This is in the statute that prohibits making certain information about law enforcement officers publicly available. This section is effective August 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3481 (Westlin).

Section 93 [§609.5151, subd. 2; Crime described] changes terminology to be consistent with terminology used in other sections on doxing. This section is effective August 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3481 (Westlin).

Section 94 [§609.771, subd. 2; Use of deep fake to influence an election; violation] adds that the criminal penalties apply during the 30 days before a political party nominating convention, after the start of the absentee voting period, prior to a presidential nomination primary, or primary elections or 90 days before a general election. Provides that the provision does not apply to a broadcaster who disseminates a deep fake produced by a candidate if the dissemination is required by federal law. Provides that regularly published newspapers, magazines, radio or tv broadcasting stations, and streaming services are not in violation of this section if the entity distributes political advertisements as part of bona fide news coverage if the entity acknowledges that there are questions about the authenticity of the election communication. Changes the mental state required for the crime to strike “reasonably should know” and replace that with “acts with reckless disregard.” This section is effective July 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3550 (Maye Quade).

Section 95 [§609.774, subd. 3; Use of deep fake to influence an election; penalty] requires a court to enter a supplemental judgement declaring that a candidate has forfeited nomination or office if the candidate is convicted of violating the previous section. A candidate or other individual convicted of violating the previous section is disqualified from being appointed to that office or any other office for which the legislature may establish qualifications under the state constitution. This section is effective July 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3550 (Maye Quade).

Section 96 [§609.771, subd. 4; Injunctive relief] allows equitable relief to be sought if the law is violated. This section is effective July 1, 2024, and applies to crimes committed on or after that date. This is from S.F. 3550 (Maye Quade).

Section 97 [§609.771, subd. 5; Severability] says that if any provision is found to be unconstitutional, it is severable and the balance of the section remains effective. The legislature intends that it would have passed each part of this section regardless of the fact that any piece is declared unconstitutional. This section is effective July 1, 2024. This is from S.F. 3550 (Maye Quade).

Section 98 [Collection of current incarcerated person’s addresses] requires the commissioner to make reasonable efforts to collect or confirm the information described in section 2 with each incarcerated person prior to April 1, 2030. This section applies to incarcerated persons who were incarcerated prior to the date the commissioner started routinely collecting the information as part of the intake process. This is from S.F. 3878 (Mitchell).

Section 99 [State and local lobbying activity; study required; registration requirements stayed] requires the Campaign Finance and Public Disclosure Board to study and make recommendations to the legislature on the definitions of “lobbyist,” “local official,” and “official action of a political subdivision.” The study and recommendations must focus on whether the law should distinguish between activities that constitute lobbying of a public official and a local official. The Board must consult with stakeholders. The Board must submit a report with its results and recommendations by January 15, 2025. Registration requirements for an individual representing an association attempting to influence the official actions of a political subdivision that is not a metropolitan governmental unit are stayed until June 1, 2025. This section is effective the day following final enactment. This is from S.F. 4700 (Putnam).

Section 100 [Transition to new voter registration applications] provides that a completed voter registration application submitted by a voter is not deficient if the form was printed or provided to the voter before June 1. After June 1, 2024, an election official must not print or copy a voter registration application that does not include the modifications required by sections 22 and 23 (requiring paper voter registration applications to provide a space for a voter to provide a physical description of the location of their residence). This section is effective June 1, 2024. This is from S.F. 3818 (Westlin).

Section 101 [Revisor Instruction] specifies that chapter 209A must be titled “Election Contests – Presidential Elections.” This is from S.F. 3818 (Westlin).

Section 102 [Repealer] Paragraph (a) repeals Minn. Stat. Statutes § 211A.01, subdivisions 2 and 4 (definitions of ballot question and committee); § 211A.02, subd. 4 (Congressional candidate financial reports); and §383B.031 (Hennepin County Board vacancies). These are from S.F. 3499 (Baldon) and S.F. 4432 (Westlin).

Paragraph (b) Repeals Minn. Stat. §10A.201, subd. 11 (definition of “targeted to the relevant electorate”). This section is effective January 1, 2025. This is from S.F. 4729 (Carlson). Also repeals Minn. Stat. §243.205, subd. 3(form of notice provided to individuals upon release from incarceration). This is from S.F. 3818 (Westlin).

Section 103 [Effective Date] provides that the, unless otherwise specified, this article is effective July 1, 2024.

Article 2 – Minnesota Voting Rights Act

This article is the Minnesota Voting Rights Act. This article is from S.F. 3994 (Champion.)

Section 1 [§200.50; Minnesota Voting Rights Act] provides that the sections in this article may be cited as the Minnesota Voting Rights Act.

Section 2 [§200.52; Definitions] establishes definitions for the article.

Section 3 [§200.53; Construction and use of authority] provides that laws, rules, and local ordinances and codes relating to the right to vote 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, the court must exercise that discretion and weigh other equitable discretion in favor of this right.

Section 4 [§200.54; Voter suppression and vote dilution prohibited] This section establishes the substantive prohibitions on conduct that form the basis for the judicial actions and remedies that are provided in the bill.

Subdivision 1 [Voter suppression] prohibits a political subdivision or any other government official or entity responsible for election administration from taking actions or failing to take actions that result 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. Provides standards for establishing a violation.

Subdivision 2 [Vote dilution] a political subdivision or any other government official or entity responsible for election administration must not take any action that that has the effect of impairing the equal opportunity or ability of members of a protected class to nominate or elect candidates of their choice as a result of diluting the vote of members of that protected class. Provides standards for proving a violation has occurred and the types of evidence that may be considered.

Section 5 [§200.55; Relevant factors for determining violation] provides guidance to the courts on factors, evidence, and intent.

Subdivision 1 [Factors established] sets forth a list of factors that a court may consider when determining whether, under the totality of the circumstances, a violation of section 4 has occurred with respect to a protected class.

Subdivision 2 [Necessity of factors] provides that the listed factors are not dispositive or necessary to establish a violation. The court must consider a particular factor only if and to the extent evidence pertaining to that factor is introduced. The absence of evidence on any particular factor does not preclude the finding of a violation of section 4.

Subdivision 3 [Claims involving a political subdivision] provides that if the claim concerns a political subdivision, evidence of the factors is most probative if evidence relates to the political subdivision but still holds probative value if the evidence relates to the geographic region where the political subdivision is located or to the state.

Subdivision 4 [Evidence of intent] provides that evidence of the intent to discriminate against members of a protected class is not required to find a violation.

Subdivision 5 [Factors that must be excluded] provides a list of factors that a court is prohibited from considering in determining whether a violation of section 4 has occurred.

Section 6 [§200.56; Presuit notice] requires a potential plaintiff who may file an action alleging a voter suppression or vote dilution violation to first send a notice letter to the political subdivision.

Subdivision 1 [Notice required] provides that before filing an action, a prospective plaintiff must send a notice letter to the political subdivision identifying the violation, the affected

protected class, and the type of remedy the plaintiff believes may address the potential violation. The notice must include a legal analysis setting forth the potential violations with specificity and include evidence to support the claims. The party is prohibited from filing an action related to the violation described in the notice for 60 days after sending the notice.

Subdivision 2 [Responsibility of political subdivision] requires the political subdivision to work in good faith with the party who provided notice to implement a remedy that cures the potential violation. If the political subdivision adopts a resolution identifying a remedy and establishing a timeline and steps to take, the political subdivision has an additional 90 days to implement the remedy. During those 90 days, the party who sent the notice may not file an action related to those violations.

Subdivision 3 [Approval of remedies] provides that if the political subdivision lacks authority to enact or implement an identified remedy, the political subdivision may enact or implement an identified remedy upon approval by the district court. The district court may authorize the implementation or enactment of the remedy notwithstanding the applicable law or authority to the contrary if the court determines specified conditions are satisfied.

Subdivision 4 [When presuit notice is not required] provides that a presuit notice is not required in the following circumstances: 1) the party is seeking preliminary relief with respect to an upcoming election pursuant to section 7; 2) the party is seeking to intervene or join an action that alleges a substantially similar 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.

Subdivision 5 [Cost sharing] provides that if a political subdivision enacts or implements a remedy in response to a notice letter, the political subdivision and the party who sent the notice must mutually agree on a reimbursement amount to be paid by the political subdivision to the party. The reimbursement is for the reasonable costs associated with producing and sending the letter and related evidence. Provides a process for requesting reimbursement. Sets a \$20,000 cap on reimbursements and establishes the method for determining attorney fees.

Section 7 [§200.57; Right of action; venue; preliminary relief] lists the individuals and entities who may file an action in district court alleging a violation of this act. Actions brought are subject to expedited pretrial and trial proceedings. Makes provisions for venue and standing. Additional procedures would apply in actions where the plaintiff seeks a preliminary remedy with respect to an upcoming election.

Section 8 [§200.58; Remedies] provides that if a court finds a violation of section 4, the court may order remedies that are tailored to best mitigate the violation. Remedies must be constructed in favor of the factors listed in section 3. Provides guidance on what the court may or may not consider in considering remedies.

Section 9 [§200.59; Fees] provides that in any action brought under this act, the court must award reasonable attorney fees and litigation costs, to the party that filed the action and prevailed. If the party against whom the action was filed prevails, the court must not award that party costs unless the court finds the action is frivolous.

Section 10 [§204B.175; **Change of polling place in an emergency**] allows local election officials to make changes to polling places after the statutory deadlines to establish polling places as a remedy to a potential violation of section 4.

Subdivision 1 [Application] allows a local election official to designate a polling place for absentee or early voting or for Election Day after the statutory deadlines when required to remedy a potential violation of section 4.

Subdivision 2 [Changing polling place] provides that if a polling place is changed to remedy a potential violation of section 4, the location of the polling place must be selected to remedy the violation.

Subdivision 2a [Designation of additional polling places] allows a local election official to designate additional absentee or early voting polling places after the statutory deadline to make such designations if additional designations are required to remedy a potential violation of section 4. The local election official must certify to the appropriate governing body the expenses incurred because of the change.

Subdivision 3 [Notice] if the relocation of a polling place occurs more than 14 days prior to the election, the local election official must mail a notice to impacted voters.

Section 11 [Effective date] provides that this article is effective the day following final enactment.