

Chapter 34 – Elections and Campaign Finance Modifications

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Article 1 Strengthen the Freedom to Vote

Section 1 [Ineligible voter data] provides that data transferred to the secretary of state about applicants who are ineligible to vote is governed by **section 9**.

Section 2 [Contents of application; other information] amends the driver's license and ID card application to comply with the requirements of section 9. This section is effective June 1, 2023.

Section 3 [Registration] allows 16- and 17-year olds and otherwise eligible to vote to submit a voter registration application. This section is effective June 1, 2023.

Section 4 [Prohibitions; penalty] adds a cross reference to **section 9** in the section of law relating to prohibited voter conduct. This section is effective June 1, 2023.

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 9**. 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. This section is effective June 1, 2023.

Section 6 [Form] amends the voter registration application. The certification language is amended to reflect the ability for 16- and 17- year-olds to preregister to vote. This section is effective June 1, 2023.

Section 7 [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. This section is effective June 1, 2024.

Section 8 [Public information list] prohibits data on preregistered applicants from appearing on the public information list until the voter is registered or has voting history. This section is effective June 1, 2023.

Section 9 [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) the person 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) provides that if the federal government permits the use of the data for this purpose, the commissioner of health, in consultation with the secretary of state, must ensure applications for MinnesotaCare or medical assistance also serve as voter registration applications for applicants who are 18 or older and have presented proof of US citizenship. The commissioner must transmit information daily to the secretary of state for individuals whose U.S. citizenship has been verified. 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. The systems must be tested and provide accurate data no later than September 30 of the year following the year in which federal approval or permission is given.

Subdivision 5 [Other agencies and units of government] requires the commissioner of management and budget, in consultation with the secretary of state, to identify other state agencies that are eligible to implement automatic voter registration. The agency is eligible if the agency collects, processes, or stores specified data on applicants, including citizenship. An eligible agency must submit a report to the governor and secretary of state by December 1, 2024, outlining a plan to implement automatic voter registration. By June 1, 2025, the governor must determine which agencies will implement automatic voter registration by December 31, 2025, and which agencies could implement automatic voter registration if provided additional resources or if a law were changed. The commissioner of management and budget must report to the legislature on the governor's decisions. An agency must not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration. Once an agency offers automatic voter registration, it must continue to do so unless provided by law. The commissioner or agency head must transmit information to the secretary of state at a frequency determined by the governor. 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] provides 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. This subdivision does not apply to an individual who knowingly and willfully makes a false statement to allow the individual's application to be submitted or who intentionally acts to register to vote or votes knowing of the individual's inability to vote.

Subdivision 8 [Effective date of registration] provides that the effective date of registration is 20 days after the date the application is made, unless the applicant declines registration. 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.

Section 10 [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.

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 11**. 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 in the same manner as public information lists. This section is effective June 1, 2024.

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. Instead of requiring the ballot board to contact a voter whose envelope is rejected within 5 days of the election by phone or email, the board must contact the voter by the method of communication provided by the voter on the voter's application. This section is effective June 1, 2024.

Section 18 [Effective date] amends the effective date of Minnesota Laws 2023, chapter 12, which is the bill enacted earlier this session relating to restoring the right to vote to individuals who have been convicted of a felony. The effective date is changed from July 1, 2023, to June 1, 2023. This section is effective the day following final enactment.

Section 19 [Transition to new voter registration applications] provides for transitioning to new voter registration applications that meet the requirements of this act and Minnesota Laws 2023, chapter 12. This section is effective the day following final enactment.

Article 2

Protect Voters and Our Elections System

Section 1 [Voting instructions and sample ballots in languages other than English; multilingual election judges] establishes requirements for voting instructions and sample ballots in languages other than English.

Subdivision 1 [Duty] requires the secretary of state or county auditor to contract with a translator certified by the American Translators Association to develop voting instructions and sample ballots in languages other than English. The instructions and sample ballots must be made available in polling places in the three most commonly spoken non-English languages in the state. The secretary of state must provide sample ballots in print and electronic formats and voting instructions in print, electronic, and audio-visual formats on

the secretary’s website in at least the three most commonly spoken non-English languages in the state.

Subdivision 2 [Designation of language minority districts] Requires language minority districts to be designated if three percent or more of the population in a census tract speak English “less than very well” according to the most recent census.

Subdivision 3 [Translation required; interpreter required] requires translated voting instructions and sample ballots to be available in specified numbers in language minority districts and districts where there is a demonstrated need. In certain precincts, the county auditor or municipal clerk must appoint at least one interpreter.

Subdivision 4 [Use of materials; notice required] provides that the translated voting instructions and sample ballots must be available to voters to use as a reference when voting. At least one sample ballot and set of instructions, along with a written notice in the same language, must be posted in a conspicuous location in each applicable polling place.

This section is effective July 1, 2023, and applies to elections on or after January 1, 2024. Note: This section was amended by Laws 2023, chapter 62.

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. This section is effective June 15, 2023.

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. This section is effective the day following final enactment.

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 because: 1) the electoral portion of the communication is unmistakable, unambiguous, and suggests only one meaning; and 2) reasonable minds could not differ as to whether the communication encourages actions to elect or defeat a clearly identified candidate or encourages some other kind of action.

Section 2 [Contributions from certain types of contributors] prohibits a candidate from accepting a prohibited corporate contribution. This section is effective January 1, 2024.

Section 3 [Definitions] amends definitions in the existing law on corporate contributions. Defines “chief executive officer,” “foreign-influenced corporation,” and “foreign investor.” This section is effective January 1, 2024.

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 January 1, 2024. Note: This section was amended by Laws 2023, chapter 62.

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 January 1, 2024.

Section 6 [Knowing violations] adds a cross reference to **section 4** in the section on corporate contribution violations. This section is effective January 1, 2024.

Article 4 Appropriations

Section 1 [Appropriations] appropriates money from the general fund to the secretary of state, attorney general, and commissioner of public safety to implement the requirements of this act. Specifies that if an appropriation in this section is enacted more than once during the 2023 regular legislative session, the appropriation must be given effect only once.