

HF23 - 0 - Election Day Registration; Medical Bill Use

Chief Author: **Jim Davnie**
 Committee: **State Government Finance and Policy**
 Date Completed: **1/21/2021 4:44:45 PM**
 Agency: **Secretary of State**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 1/21/2021 4:44:44 PM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	2	-	-	-
Absorbed Costs		-	(2)	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill requires the Office of the Secretary of State to use good cause rulemaking under 14.388 to add medical bills to the long list of documents in Minnesota Rule 8200.5100, subp. 2, that may be used by an eligible voter to prove residence for the purpose of same-day registration. The rulemaking must be complete by August 1, 2021.

Assumptions

Rulemaking under section 14.388 is markedly less onerous than regular rulemaking, but there are still some costs and there are still a number of documents to be prepared and steps to be fulfilled within the process. It is assumed that this bill falls under clause 3 of Subd. 1, of 14.388, and so the rule will be permanent upon adoption.

14.388 includes the following requirements set forth in 14.386:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the person authorized to adopt the rule on behalf of the agency signs an order adopting the rule;
- (3) the Office of Administrative Hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files four paper copies or an electronic copy of the adopted rule with the revisor's certificate in the Office of the Secretary of State; and
- (4) a copy is published by the agency in the State Register.

Thus, there will be costs to draft the rule, both at OSS and the Revisor's Office; costs to draft an order adopting the rule; costs of the Office of Administrative Hearings to review the rule; and costs to publish in the State Register.

There will also be the costs to update the materials that are in use by the Office of the Secretary of State, the Administrative Guides, such as the County Auditor's Guide and the Election Judge Guide, as well as all other voter registration training materials, and there will be training costs by local jurisdictions to retrain election judges to add this new set of documents to the list of documents accepted for proving residence for same-day registration.

The amendment itself will be very simple, and consist of the addition of several words to Rule part 8200.5100, subd. 2, clause B (1). The costs of implementation are de minimis and can be absorbed by the Office as part of regular activities due to the extremely small costs.

Expenditure and/or Revenue Formula

Drafting Time for Rule and Order

One hour at \$66.27/hour for salary and benefits = \$66.27

Publication in State Register

Approximately one page for the rule ad order at \$135 per page = \$135

Office of Administrative Hearings Time

3 hours ALJ time x \$215/hour = \$645

1 hour staff attorney time x \$105/hour = \$105

Total ALJ time \$750

Time for Revision of Guides and Materials

Ten hours of staff time at \$45/hour for salary and benefits + \$450

TOTAL COSTS (FY22) **\$1401.27**

Long-Term Fiscal Considerations

There are no Long-Term Fiscal Considerations, as once the rule is approved it will be permanent. It is assumed that the work of the good cause rulemaking will be done in FY 22 due to the short period of time between the end of the 2021 legislative session and the end of FY 21.

Local Fiscal Impact

Local units of government implement same-day registration and they will need to train or retrain every election judge to accept this new category of documentation as proof of residence. These units conduct this training every election cycle so the impact will be minimal, mostly in the education of the trainers themselves.

References/Sources

Bibi Black, General Counsel, Office of the Secretary of State

Internal salary and benefit rates

OAH rates as published in the current Minnesota Rulemaking Manual at <https://www.health.state.mn.us/data/rules/manual/docs/cost-inf.docx>.

State Register published rates at: https://mn.gov/admin/assets/Production%20Schedule%202020-2021_tcm36-437233.pdf.

I have reviewed the content of this fiscal note and believe it is a reasonable estimate of the expenditures and revenues associated with this proposed legislation.

If Information Technology costs are included, my agency's Chief Information Officer has reviewed the estimate.

Agency Contact: Julie Strother, 651-201-1342

Agency Fiscal Note Coordinator Signature: Juin Charnell
Phone: 651-201-6870

Date: 1/21/2021 2:11:06 PM
Email: juin.charnell@state.mn.us