

Revised

Consolidated Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Lead Agency: **Secretary of State**

Other Agencies:
 Attorney General Campaign Finance Board
 Corrections Dept Governors Office
 Human Services Dept Minn Management and Budget
 Public Defense Board Public Safety Dept
 Sentencing Guidelines Supreme Court
 Comm

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	FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General						
General Fund	-	100	100	100	100	100
Campaign Finance Board						
General Fund	-	-	-	-	-	-
Minn Management and Budget						
General Fund	-	56	-	-	-	-
Public Safety Dept						
Restrict Misc. Special Revenue	-	45	-	-	-	-
Secretary of State						
General Fund	-	707	150	468	150	150
Restrict Misc. Special Revenue	-	-	-	-	-	-
State Total						
General Fund	-	863	250	568	250	250
Restrict Misc. Special Revenue	-	45	-	-	-	-
Total	-	908	250	568	250	250
Biennial Total			1,158			818

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General					
General Fund	-	-	-	-	-
Campaign Finance Board					
General Fund	-	-	-	-	-
Minn Management and Budget					
General Fund	-	-	-	-	-
Public Safety Dept					

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Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	-	-	-
Secretary of State					
General Fund	-	1.4	.3	.3	.3
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	1.4	.3	.3	.3

Lead LBO Analyst's Comment

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

The fiscal note was revised to include Minnesota Management and Budget in the fiscal note to address the fiscal impacts of Art. 1, Sec. 9, Subd. 5. The Office of Attorney General and the Campaign Finance Board also updated cost estimates for the revised fiscal note.

LBO Signature: Christian Larson **Date:** 4/1/2023 2:14:21 PM
Phone: 651-284-6436 **Email:** christian.larson@lbo.mn.gov

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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		FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General						
General Fund	-	100	100	100	100	100
Campaign Finance Board						
General Fund	-	-	-	-	-	-
Minn Management and Budget						
General Fund	-	56	-	-	-	-
Public Safety Dept						
Restrict Misc. Special Revenue	-	45	-	-	-	-
Secretary of State						
General Fund	-	707	150	468	150	150
Restrict Misc. Special Revenue	-	-	-	-	-	-
	Total	-	908	250	568	250
	Biennial Total			1,158		818
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Attorney General						
General Fund	-	100	100	100	100	100
Campaign Finance Board						
General Fund	-	-	-	-	-	-
Expenditures	-	1	-	-	-	-
Absorbed Costs	-	(1)	-	-	-	-
Minn Management and Budget						
General Fund	-	56	-	-	-	-
Public Safety Dept						
Restrict Misc. Special Revenue	-	109	-	-	-	-
Expenditures	-	109	-	-	-	-
Absorbed Costs	-	(64)	-	-	-	-
Secretary of State						
General Fund	-	731	152	470	152	152
Expenditures	-	731	152	470	152	152
Absorbed Costs	-	(22)	-	-	-	-
Restrict Misc. Special Revenue	-	13	-	-	-	-
Expenditures	-	13	-	-	-	-
Absorbed Costs	-	(13)	-	-	-	-
	Total	-	910	252	570	252
	Biennial Total			1,162		822
2 - Revenues, Transfers In*						
Attorney General						
General Fund	-	-	-	-	-	-
Campaign Finance Board						
General Fund	-	-	-	-	-	-
Minn Management and Budget						
General Fund	-	-	-	-	-	-

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State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	-	-	-
Secretary of State					
General Fund	-	2	2	2	2
Restrict Misc. Special Revenue	-	-	-	-	-
	Total	-	2	2	2
		Biennial Total	4		4

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Fiscal Note

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HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
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 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	FY2023	FY2024	FY2025	FY2026
General Fund	-	707	150	468	150
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	707	150	468	150
Biennial Total			857		618

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	1.4	.3	.3	.3
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	1.4	.3	.3	.3

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: Susan Nelson **Date:** 3/20/2023 11:50:51 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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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		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	707	150	468	150	
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	-	707	150	468	150	150
		Biennial Total	857	618		
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures	-	731	152	470	152	
Absorbed Costs	-	(22)	-	-	-	-
Restrict Misc. Special Revenue						
Expenditures	-	13	-	-	-	-
Absorbed Costs	-	(13)	-	-	-	-
Total	-	709	152	470	152	152
		Biennial Total	861	622		
2 - Revenues, Transfers In*						
General Fund						
	-	2	2	2	2	
Restrict Misc. Special Revenue						
	-	-	-	-	-	-
Total	-	2	2	2	2	2
		Biennial Total	4	4		

Bill Description

Article 1 Strengthen the Freedom to Vote

Sections 1, 2, 9, and 10 provide for automatic voter registrants for eligible individuals when they submit an application or renewal application for (1) a Minnesota driver's license, instruction permit, or identification card; (2) medical assistance under chapter 256B or MinnesotaCare under chapter 256L; or (3) an application for benefits or services by any other future participating agency.

Sections 3, 4, 5, 6, and 8 allows for otherwise eligible individuals to submit a voter registration application at age 16 or 17, makes conforming changes to forms and instructions, and provides that data on individuals submitting a registration application at 16 or 17 years old is not public until the individuals reach the age of 18 and are registered. These sections are effective June 1, 2023.

Sections 7, 11, 12, 13, 14, 15, and 17 provide for the creation of a permanent absentee ballot request list where a voter can request to have a ballot sent to them automatically every election. This replaces the permanent absentee ballot application list that provided applications for absentee ballots automatically for each election. These sections also specify when the ballots need to be mailed prior to an election and make conforming changes to forms. This also makes public the data on individuals on the permanent absentee voting list.

Section 16 requires that data on individuals who have submitted an absentee ballot application is public data.

Section 18 amends the effective date of Laws 2023, chapter 12, section 9 (Restoration of Voting Rights) to June 1, 2023.

Section 19 allows for the transition to new voter registration application stock and specifies that if a voter submits a registration application on an out-of-date form, an otherwise eligible individual will not have their registration rejected simply because it is on an out-of-date voter registration application.

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Article 2 Protect Voters and Our Election System

Section 1 provides for language access and translation of voting instructions at polling places under certain circumstances. Specifically:

- Subdivision 1 requires that voting instructions and sample ballots be prepared in languages other than English, at minimum Hmong, Spanish and Somali languages. This subdivision also requires that the translations include print translation as well as electronic and audio-visual formats, and requires that the print materials be made available in the polling place, and the other materials be available on the OSS website.
- Subdivision 2 requires that no later than 90 days before an election, the OSS or county auditor, in consultation with the county auditor, determine the number of voting age residence in each census tract who "are members of a language minority and who lack sufficient skills in English to vote without assistance."
- Subdivision 3 specifies that if the number of residents needing language assistance under subdivision 2 is determined to be 3 percent or more of the voting age residents of a tract, at least two copies of translated voting instructions and sample ballots must be provided in each precinct. This section also allows a jurisdiction to opt into this if it is provided with information that a sufficient need exists. If the number of residents with a language need identified in subdivision 2 is equal to 20 percent or more of voting age individuals in the district, four copies of the translated materials must be provided and at least one election judge must be certified by the American Translators Association if 10 or more voters request such services 30 days before the election. The election judge translator must wear a nametag identifying their language certification.
- Subdivision 4 requires that at least one sample ballot and set of instructions for each language be posted in each polling place.

Section 2 prohibits certain conduct around polling places or conduct targeting voters by creating civil and criminal penalties (gross misdemeanor) for the following:

- Using threats, force, or coercion to compel or prevent someone from registering to vote, voting, or voting for or against a particular candidate, including interfering with efforts to encourage individuals to vote or participate in the election process. This allows civil penalties to be enforced if a reasonable person would feel intimidated, even if they are not intimidated.
- Within 60 days of an election, cause information to be disseminated that intends to impede someone from exercising their right to vote or knows to be false.
- Interfering with an individual registering to vote or voting.

The section creates vicarious liability for damages if someone conspires or intentionally aids in the action. The section also provides that the Attorney General or election official may bring the civil action.

Section 3 Provides that complaints under the new civil and criminal provisions of 211B.075 do not need to be filed with the Office of Administrative hearings before bringing a civil action in court.

Article 3 Modernize Campaign Finance System and Increase Disclosure

The entirety of Article three provides for campaign finance and disclosure changes that do not impact the OSS.

Assumptions

Substantial computer programming will be required related to the Statewide Voter Registration System and voter online tools in order to comply with many of the provisions of House File 3.

As it relates to automatic voter registration, this note assumes that the OSS will receive data from any participating agency for only those individuals that are United States citizens and over the age of 16, and will receive that data in a file format consistent with the file format the OSS currently receives daily from Driver and Vehicle Services. This note further assumes that prior to transmitting the data to counties for processing, the OSS will compare the potential voter registration data against court lists of individuals who have had their voting rights revoked due to guardianship. Any data on individuals not on the court list of individuals with their voting rights revoked would then be transmitted to the counties for processing. The OSS assumes that the cost of mailing the information on the option to opt out of or decline registration would be paid for by the OSS. The OSS assumes that these mailings would need to contain voter-specific information in each mailing (specifically the county contact information associated with the county, as well as the standard information on a postal

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verification card). Based on previous mailings conducted by the OSS, the OSS assumes the cost of \$0.95 per piece, including postage. The OSS further assumes needing to mail up to 100,000 of these notices per year. The legislation requires that this notice be translated into the languages that the OSS supports for translation, and the OSS anticipates absorbing these costs into its HAVA spending. The OSS assumes that the registration would be pended until the 20 days have passed or until the voter has indicated that they do not wish to be registered.

As it relates to preregistration and the permanent absentee ballot list, the OSS anticipates needing to update forms and online voter tools, and make changes in the Statewide Voter Registration System. Permanent absentee voting lists will have local costs associated with mailing a ballot to a voter, but that is offset by removing the cost of mailing an application that would then presumably be followed up by mailing of an absentee ballot under current law. There will be some programming costs associated with producing the public data lists required in this legislation. The current cost to request any public list under 201.091 is \$46 for the entire state or \$30 for a single jurisdiction. The OSS assumes that there will be less than 100 of these requests per year, as these generally are requested by political parties and shared by the parties with their endorsed candidates.

The amended effective date for Laws 2023, chapter 12, section 9 will not have a fiscal impact.

Several provisions of House File 3 require conforming rulemaking. The OSS regularly conducts rulemaking, and so the costs of this additional rulemaking can be included in the standard costs the OSS would already incur in the periodic rulemaking process. The OSS would absorb any rulemaking costs, representing approximately \$21,500, based on previous estimates from the Office of Administrative Hearings.

House File 3 will require updating training and manuals and guides. However, updates to training, manuals, and guides are currently made periodically, and so these changes will be noted in the next round of trainings and guide updates.

Expenditure and/or Revenue Formula

Automatic Voter Registration			
Computing Costs	Election Division (ED) Business Analysis	242 hours	
	OSS Information Technology (IT)	1240 hours	
	Quality Assurance (QA)	288 hours	
		Total Hours: 1,770 hours	
		1,770 hours @ \$100/hour =	\$177,000
Mailing	Printing (\$0.50 per piece)	100,000 per year	\$50,000
	Postage (\$0.45 per piece)	100,000 per year	\$45,000
Translation	Print/Electronic Translations	\$2,000	\$2,000
Pre-registration for people 16 and older			
Computing Costs	ED Business Analysis	60 hours	

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	OSS IT	80 hours	
	QA	60 hours	
		Total Hours: 200	
		200 hours @ \$100/hour =	\$20,000
Translation Computing Costs	ED Business Analysis:	4 hours	
	OSS IT	16 hours	
	QA	16 hours	
		Total Hours: 36 hours	
		36 hours @ \$100/hour =	\$3,600
Translation Costs	Print/Electronic Translations	\$2,000	\$2,000
Permanent Absentee Voting Opt-In			
Computing Costs	ED Business Analysis	250 hours	
	OSS IT	300 hours	
	QA	250 hours	
		Total Hours: 800	
		800 hours @ \$100/hour =	\$80,000
Translation Computing Costs	ED Business Analysis	4 hours	
	OSS IT	16 hours	
	QA	16 hours	
		Total Hours: 36 hours	
		36 hours @ \$100/hour =	\$3,600
Translation Costs	Print/Electronic Translations	\$2,000	\$2,000
Public Data List Report Costs	ED Business Analysis	10 hours	
	OSS IT	40 hours	

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	QA	10 hours	
		Total Hours: 60 hours	
		60 hours @ \$100/hour =	\$6,000
Absentee Application Report			
Public Data List Report Costs	ED Business Analysis	10 hours	
	OSS IT	40 hours	
	QA	10 hours	
		Total Hours: 60 hours	
		60 hours @ \$100/hour =	\$6,000
		TOTAL Article 1	\$397,200
Multi-Language Voting Instructions			
Computing Costs	ED Business Analysis	10 hours	
	OSS IT	40 hours	
	QA	20 hours	
		Total Hours: 70	
		70 hours @ \$100/hour =	\$7,000
Translation of Polling Place Instruction Costs (11 Languages + ASL)			
	Print/Electronic Translations	\$2,000	\$2,000
	Audio Instructions	\$500 per language	\$5,500
	Video Instructions	\$3,300 per language	\$36,300
Sample Ballot Translation (Somali, Spanish, Hmong)			
	684 precincts at one translation per precinct	\$107.50 per translation conducted twice per year	\$147,060
	105 precincts at two translations	\$107.50 per translation	\$45,150

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	per precinct	conducted twice per year	
	128 precincts at three translations per precinct	\$107.50 per translation conducted twice per year	\$82,560
		TOTAL Article 2	\$325,570
Rulemaking	Cost of noncontroversial rulemaking		\$21,500
Revenue	Public List Request	50 lists @ \$47 per list	(\$2,350)
		TOTAL HF 3	\$741,920

Long-Term Fiscal Considerations

The vast majority of the costs in this bill are one-time programing changes. The voting instructions and sample ballot cost will reoccur within the state each election year. Ongoing maintenance costs will occur for the systems that are required to be developed as part of the legislation. The OSS estimates ongoing maintenance costs at 20% each year, representing \$56,600 of maintenance each year.

Local Fiscal Impact

Many provisions in the portion of this bill covered by this fiscal note have costs to county and local elections administrators. Local election officials will now be required in certain circumstances to provide language interpreters. In addition, counties will be required to pay for the costs of mailing the opt-out notices related to automatic voter registration, as well as the staff time in processing those registrations submitted through the automatic voter registration process.

Finally, there will be some minimal local costs associated with printing updated voter registration applications and absentee ballot envelopes. Most jurisdictions print a new stock of materials every state general election year.

References/Sources

Julie Strother, julie.strother@state.mn.us 651-201-1342

Agency Contact:

Agency Fiscal Note Coordinator Signature: Adam Hansen

Phone: 651-201-6870

Date: 3/17/2023 1:02:16 PM

Email: adam.hansen@state.mn.us

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Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Attorney General**

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	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	100	100	100	100	100
Total	-	100	100	100	100	100
Biennial Total			200			200

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
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.

Fiscal note was revised to amend/update AGO costs.

LBO Signature: Susan Nelson **Date:** 3/31/2023 3:51:16 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	100	100	100	100	100
Total		-	100	100	100	100
Biennial Total				200		200
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	100	100	100	100	100
Total		-	100	100	100	100
Biennial Total				200		200
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The Bill makes various amendments to Minnesota law relating to elections. Article I strengthens the freedom to vote and amends Chapters 13, 201, 203B, 204C, and 243. Article II provides for enhanced protections for voters and Minnesota’s election system. Article III modernizes the campaign finance system to empower voters and increase disclosures of secret spending in elections.

Within Article II, Chapter 211B is amended to add a prohibition of directly or indirectly using force, coercion, violence, restraint, damage, harm, loss of employment, or economic reprisal against a person in order to impede or prevent them from registering to vote or voting, or encouraging others to register to vote or vote. In addition to creating a gross misdemeanor and a private right of action, the law gives the Attorney General authority to bring a civil action pursuant to section 8.31 to enforce these prohibitions and to prevent or restrain violations. In such an action, the Attorney General can also recover damages, civil penalties of up to \$1,000 for each violation, costs of investigation and reasonable attorneys’ fees, and other equitable relief as determined by the Court.

Assumptions

The AGO largely operates as a law firm, and the very nature of litigation is not easily predicted. This bill creates new authority for the AGO to bring a civil action to enforce new prohibitions of conduct to intimidate and/or interfere with individuals registering to vote or voting. The AGO has not traditionally been involved in this work, so there is no past history to review in terms of incidents or complaints, nor is there a comparable equivalent. Due to the unpredictable nature of litigation and new enforcement authority provided to the AGO under the bill, we lack concrete data to be able to calculate a precise number of hours required to complete the work.

Based on the assumptions that investigations and enforcement will primarily coincide with two-year and four-year election cycles for statewide and federal elections, the AGO anticipates that, at least once every two years it would form an “elections team” of investigators and attorneys to respond to complaints regarding the conduct regulated by this bill and to take necessary investigatory and enforcement action.

We can assume that work would be somewhat cyclical and primarily increase during even-numbered years, although the law is not limited to general elections and violations of the law could arise in special elections and in odd-numbered years. Depending on the nature of the violation, investigations and pursuing violations under the law would likely continue post-

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election.

The AGO anticipates infrequent and irregular enforcement efforts to be necessary under the authority given in the proposed law. The authority provided under section 8.31 can relate to conduct during either voter registration or an election of any kind and could lead to investigations or enforcement at any time.

This bill would result in 375 hours of attorney time and 375 hours of legal assistant time.

Expenditure and/or Revenue Formula

When accounting for the full cost of legal services that will be required by the legislation, the Office uses the billing rate it charges to partner agencies, as it is reflective of the cost of providing the legal services. The Office calculates 1 FTE as 1500 billable hours per year. Effective July 1, 2023, the attorney billing rate is \$163/hour, and the Legal Assistant rate is \$103/hour. The Legal Assistant category includes investigators, paralegals, mediators, financial analysts, and support staff.

1 FTE Legal Assistant (including investigators, paralegals, mediators, financial analysts and support staff) averages 1,500 billable hours in one year at a rate of \$103.00/hour.

	Hourly Billing Rate	Hours	Total Cost to AGO
Attorney	\$163	375	\$61,125
Legal assistant	\$103	375	\$38,625
Total			\$99,750

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Laura Sayles

Agency Fiscal Note Coordinator Signature: Laura Capuana

Phone: 651-402-2213

Date: 3/31/2023 3:37:44 PM

Email: laura.capuana@ag.state.mn.us

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Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Campaign Finance Board**

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	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
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.

The fiscal note was revised to show updated costs the Campaign Finance Board intends to absorb.

LBO Signature: Chloe Burns **Date:** 3/31/2023 4:04:06 PM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures	-	1	-	-	-	-
Absorbed Costs	-	(1)	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This review applies only to Article 3, which contains the only provisions of the bill that impact the Board.

Section 1 - Expands the definition of “expressly advocating” to include words that are the functional equivalent of recognized words that expressly advocate for the election or defeat of a candidate. The expanded definition will include communications that taken as a whole have no reasonable interpretation other than an appeal to elect or defeat a candidate. The express advocacy definition is used to determine if a communication is an independent expenditure for or against a candidate. Independent expenditures for or against state candidates are reported to the Board by registered committees or funds. Communications that do not use words of express advocacy, as currently defined, and which are not done in coordination with candidates, are not independent expenditures, and therefore are not reported to the Board.

Section 2 - Amends section 10A.27 to prohibit a candidate’s committee from accepting a corporate contribution prohibited in section 211B.15. This modification allows the Board to levy a civil penalty of up to four times the amount of the contribution on a candidate’s committee that accepted a prohibited contribution, as provided in section 10A.28.

Section 3 - Provides that unless otherwise provided, the definitions in section 10A.01 apply to the terms in section 211B.15. The section also defines the terms “chief executive officer”, “foreign-influenced corporation”, and “foreign investor”. The terms foreign-influenced corporation, and foreign investor are all dependent on an individual or entity owning a specified amount of equity, voting shares, or “other applicable ownership interests in a corporation”. For the purposes of this bill, corporation means a corporation organized for profit that does business in this state, or a limited liability company formed under chapter 322C, or similar laws, that does business in this state.

Section 4 - Foreign influenced corporations are prohibited from making contributions to independent expenditure committees and funds, or to ballot question committees and funds, or to candidate committees, or political committees and funds, or to political party units. The section also prohibits foreign influenced corporations from directly making expenditures to influence the nomination or election of a candidate, or influence a ballot question. Further, a foreign influenced corporation is prohibited from donating to a person with the express or implied condition that the contributions or any part of it be used for a contribution or expenditure that the corporation would be prohibited from making under this provision.

Section 5 Corporations as defined in section 3 that make a contribution or a direct expenditure allowed in section 211B.15, must certify to the Board that the corporation was not a foreign-influenced corporation at the time the contribution or expenditure was made. If the corporate activity was a contribution to an independent expenditure committee, the corporation must also provide the same certification to the recipient committee. The certification to the Board must be

Revised

signed by the chief executive officer of the corporation, and provided to the Board within seven business days after the contribution or expenditure is made.

Section 6 - Brings the prohibition on activities by a foreign-influenced corporation into the definition of knowing violation for section 211B.15.

Assumptions

1. Section 1 modifies the definition of expressly advocating, which is expected to result in some communications not currently reported to the Board will now come under the regulation of Chapter 10A. This will likely result in a few new committee registrations, in particular new independent expenditure committees and funds. This fiscal note assumes that the change in section 1 will result in no more than ten new registrations with the Board. The Board has staff dedicated to the process of political committee registration and reporting, and can absorb the costs of increasing the number of committee registrations and reports by that number. (There are already 456 political committees and political funds registered with the Board, of which 87 are independent committees or funds.) Further, the Board already investigates complaints as to whether a communication expressly advocates for a candidate and should be reported to the Board. The investigation costs related to those investigations are met in the Board's current operational budget, and are not expected to increase appreciably under the provisions of this bill.

2. Section 3 excludes non-profit corporations from the provisions related to foreign ownership. Because the scope of the bill is for-profit contributions, this fiscal note assumes that the potential costs to the Board to administer the provisions of the bill are also limited. The amount of for-profit corporate contributions that occur each year has dropped significantly since 2010 when corporate contributions for independent expenditures first became legal. In 2010, 70 for-profit corporations donated about \$2,070,000 to independent expenditure committees and funds. Through the 2022 pre-general report, 187 contributions from for-profit corporations with a value of about \$261,000 have been reported to the Board. Additional Board staff will not be needed to monitor the relatively low number of direct contributions reported from for-profit contributions to ensure that the certification required in section 5 of the bill is provided to the Board, and any applicable independent expenditure committee or fund.

3. This fiscal note assumes that the severe penalties provided for foreign-influenced corporations, and the chief executive officers of foreign-influenced corporations, that violate section 4 of this bill will insure a high level of compliance with the provisions of the legislation. Similarly, the penalty for corporations and chief executive officers of corporations that fail to provide the certification required in section 5, are sufficient deterrence to prevent for-profit corporations from forgoing the needed certification. If violations of sections 4 and 5 are rare, then additional Board staff will not be required to investigate complaints or staff-initiated reviews of corporations in violation of section 211B.15.

For example, under the current provisions of section 211B.15, subdivision 6, a chief executive officer of a corporation that violates sections 4 or 5 would be personally subject to a civil penalty of up to 10 times the amount of the prohibited contribution or expenditure, not to exceed \$10,000. A knowing violation of this section by the chief executive officer of a corporation is a criminal offense, and is subject to a fine of up to \$20,000 and imprisonment of not more than 5 years.

A corporation that is found to have violated the provisions of sections 4 or 5 would also face stiff penalties. Section 211B.15, subdivision 7, provides that a corporation that makes a prohibited contribution or expenditure, or the required certification, would be subject to a civil penalty of up to 10 times the amount of the contribution or expenditure, but in no case more than \$10,000 per violation. A knowing violation of either section by a corporation is a criminal offense. A corporation that knowingly violated the section 3 or 4 would be subject to a fine of up to \$40,000, and the corporation's right to do business in the state may be forfeited. These penalties have been in place since 2013, and have been effective in deterring violations of section 211B.15.

4. The Board will need to modify training materials and manuals to reflect the provisions of this bill. Because of the serious potential penalties for violations of the provisions of the bill, the Board would also initiate an outreach program to appropriate political committees and funds that receive contributions from for-profit corporations to provide notice of the legislation. However, the Board produces and publishes its own training material and manuals, and often has to update materials to reflect changes to Chapters 10A and 211B. This note assumes that existing staff will make all changes needed, and that associated publication and mailing costs will be about \$1,200, which can be absorbed by the Board.

Expenditure and/or Revenue Formula

Revised

Mailing Costs of Handbooks Explaining Certification Requirement	Postage per Handbook	Cost	Per Handbook Printing Costs	Cost
80 independent Expenditure Committees and Funds	\$2.16	\$172.80	\$ 1.00	\$ 80.00
Approximately 300 for-profit corporations identified as contributors in past 2 election cycles	\$2.16	\$648.00	\$ 1.00	\$ 300.00
Total		\$ 820.80		\$ 380.00
Total Printing and Mailing		\$ 1,200.80		

Long-Term Fiscal Considerations

NA

Local Fiscal Impact

NA

References/Sources

Agency Contact: Jeff Sigurdson (651-539-1189)

Agency Fiscal Note Coordinator Signature: Jeff Sigurdson

Phone: 651-539-1189

Date: 3/31/2023 4:00:30 PM

Email: jeff.sigurdson@state.mn.us

Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Corrections Dept**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/15/2023 2:55:21 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

Revised

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	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

H.F. 3 makes several changes to voter registration requirements, election processes, and campaign finance.

Assumptions

According to the Minnesota Sentencing Guidelines Commission, the penalty changes in the bill are expected to have no correctional impact.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

The Department estimates that there will be no fiscal impact to local units of governments.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidelines Commission

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Date: 3/15/2023 1:13:59 PM

Phone: 651-259-3667

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Governors Office**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Susan Nelson **Date:** 3/15/2023 10:07:23 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill provides clarification on voter registration and provides for automatic voter registration.

Assumptions

The Governor's Office Legal team would complete the evaluation in coordination with the Secretary of State and affected agency legal counsel as part of their regular work and there is no impact to the Governor's Office.

Expenditure and/or Revenue Formula

There is no fiscal impact to the board.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Alyssa Haugen (651-201-3416)

Agency Fiscal Note Coordinator Signature: Alyssa Haugen

Phone: 651-201-3416

Date: 3/15/2023 9:46:45 AM

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Human Services Dept**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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.

This bill requires DHS to share applicant and enrollee data for purposes not currently permitted in federal law. DHS will not implement requirements of the bill and therefore there is no fiscal impact on this fiscal note.

LBO Signature: Steve McDaniel **Date:** 3/21/2023 5:28:31 PM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

Revised

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	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Section 7 requires eligible persons to be registered to vote upon submission of a MinnesotaCare initial or renewal application as specified, unless that person declines. Subdivision 4 of this section requires that, if permitted by the federal government, applicants for Medical Assistance who meet criteria must also serve as an application for voter registration. The language also requires systems testing to ensure accuracy of transmitted information.

Assumptions

The effective date of this bill is assumed to be July 1, 2023. For Medical Assistance, this effective date is dependent upon federal approval.

Medical Assistance, Minnesota's Medicaid program, is subject to many federal laws and regulations. 42 U.S.C. 1396a(a)(7) requires states to institute safeguards that restrict the use or disclosure of information of applicants or enrollees except for the purposes of administering Medicaid and coordination with the federal school lunch program.

This bill requires DHS to share applicant and enrollee data for purposes not currently permitted in federal law. DHS assumes that implementation will not occur until a federal law change allows this data sharing to occur; therefore, no fiscal impact is estimated.

At this time, DHS believes that the requirements in Section 7 related to MinnesotaCare are not implementable; under federal regulations in 42 USC 18081, applicant information must only be used to determine eligibility for benefits through the health insurance exchange.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Revised

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Chris Zempel

Phone: 651-247-3698

Date: 3/21/2023 4:13:48 PM

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Minn Management and Budget**

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	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	56	-	-	-	-
Total	-	56	-	-	-	-
Biennial Total			56			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
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.

Fiscal note was revised to include Minnesota Management and Budget in the fiscal note to address fiscal impact of Art. 1, Sec. 9, Subd. 5.

LBO Signature: Christian Larson **Date:** 4/1/2023 2:12:04 PM
Phone: 651-284-6436 **Email:** christian.larson@lbo.mn.gov

Revised

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		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	56	-	-	-	-
Total	-	56	-	-	-	-
Biennial Total			56			
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	56	-	-	-	-
Total	-	56	-	-	-	-
Biennial Total			56			
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			

Bill Description

HF3-4E is a bill for an act relating to elections; modifying provisions related to voter registration; amending Minnesota Statutes 2022.

Sec 9 Subd. 5 states that the commissioner of management and budget, in consultation with the secretary of state, identify any other state agency that is eligible to implement automatic voter registration. A state agency must be considered if the agency collects, processes, or stores the following information as part of providing assistance or services: name, residential address, date of birth, and citizenship verification. A qualifying agency must submit a report to the governor and secretary of state no later than December 1, 2024, describing steps needed to implement automatic voter registration, barriers to implementation and ways to mitigate them, and applicable federal and state privacy protections for voter registration information. The final decision must be made by June 1, 2025, and is at the governor's sole discretion.

The governor must notify the commissioner of management and budget of the governor's decisions related to automatic voter registration. By October 1, 2025, the commissioner of management and budget must report to the chairs and ranking minority members of the legislative committees with jurisdiction over election policy and finance.

Assumptions

Assumes state agency employees are not covered by the language as they are not applying for benefits or services stated in bill

Assumes that the key variable is citizenship verification

Assumes approximately 225 agencies would be surveyed for the first phase

Assumes U of M will participate as a single entity or not at all-and therefore no consulting hours are included to engage with the separate parts of the U of M

Assumes that relatively few agencies are collecting citizenship verification data, so relatively few agencies will be covered in phase two

Assumes that agencies will be providing this data going forward, not looking back to pull existing data as previous data would not have been collected with specific Tennessee for this purpose

Assumes SoS can readily describe the data transfer issues and will be the subject matter expert for any guidance on

Revised

IT-related issues for their office

Assumes there will be a tiered approach to MMB's decision: 1) agencies that are covered and ready to implement and 2) agencies that are covered but not ready to implement

Assumes that other MMB staff would manage communication with the public and legislature related to this project (with assistance from Management Analysis Division (MAD) if needed)

Expenditure and/or Revenue Formula

MMB will be partnering with Management Analysis Division (MAD) services for this work for the following activities:

Planning and preparation: review background information, scan rules and statutes to identify agencies that may “collect, process, or store” citizenship verification information, identify initial issues for data transfer, facilitate MMB and SoS leaders and subject matter experts to identify initial decision criteria/factors to review, finalize the project plan. **Phase one agency identification** (survey of all agencies to determine if they “collect, process, or store” citizenship verification information): gather and verify agency contact information, develop guidance/FAQ resources, design and test survey questionnaire, administer survey and respond to questions, pursue responses from all agencies, compile a summary and identify agencies for phase two. **Phase two agency identification** (reports from qualifying agencies): develop a template or questionnaire in collaboration with MMB and SoS subject matter experts, contact agencies to obtain information on “steps needed to implement automatic voter registration, barriers to implementation and ways to mitigate them, and applicable federal and state privacy protections for voter registration information,” compile and synthesize information, facilitate leadership review process, and draft relevant decision and process documents. Ongoing project management and client communication

Total costs are estimated to be \$56,365. This is determined by using an estimate of 307 consulting hours at a rate of \$170 with an 8% administrative fee. (307 hours * \$170 hourly rate *1.08 administrative fee=\$56,365)

MAD assumes involvement of subject matter experts and decision-makers in MMB/GO/SoS. Cost estimates are not included for this.

MAD is proposing a phased approach, with initial survey of all agencies and then follow-up with agencies that are collecting relevant data. We also include consulting hours to facilitate the review process among relevant leaders.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Ronika Rampadarat 651-201-8115

Agency Fiscal Note Coordinator Signature: Ronika Rampadarat

Phone: 612-659-6873

Date: 4/1/2023 2:00:05 PM

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Public Defense Board**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/15/2023 2:54:04 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

Revised

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		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

Article 2 Section 2 of the bill provides a gross misdemeanor penalty for anyone who intimates, threatens, or uses force or economic reprisal to compel someone to register to vote, or to vote against a candidate or ballot measure; or impedes efforts of an individual to assist others in registering to vote or to cast a ballot.

The bill would also provide a gross misdemeanor penalty for anyone who is convicted of engaging in deceptive practices or transmitting knowingly false information that impedes someone from voting, interfering with a person registering to vote, or conspiring with someone to impede someone from voting or registering to vote.

Assumptions

There does not appear to be a significant impact on caseloads or workloads as a result of this bill.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Public Safety Dept**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	45	-	-	-	-
Total	-	45	-	-	-	-
Biennial Total			45			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	-	-	-
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: Laura Cecko **Date:** 3/16/2023 1:45:34 PM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

Revised

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	FY2023	FY2024	FY2025	FY2026	FY2027	
Restrict Misc. Special Revenue	-	45	-	-	-	-
Total	-	45	-	-	-	-
Biennial Total			45			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Restrict Misc. Special Revenue						
Expenditures	-	109	-	-	-	-
Absorbed Costs	-	(64)	-	-	-	-
Total	-	45	-	-	-	-
Biennial Total			45			-
2 - Revenues, Transfers In*						
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Modification to the Help America Vote Act, modifying provisions related to voter registration. Modifying prescribed formats for voter registration application intake, requiring all license, Minnesota identification cards, and instruction permits to be automatic voter registration forms. Sets new parameters for automatic voter registration on a license application, as well as required language prescribed by the Secretary of State (SOS).

Assumptions

Assume Department of Public Safety Driver and Vehicle Services Division (DVS) will amend paper application forms and the online pre-applications for driver's license, identification card, and learners permit to include fields required for voter registration and remove the existing language to opt-in for voter registration.

Assume the SOS will provide the notice to decline automatic voter registration.

Assume that the cost of updating the paper application forms will cost \$45,000 (\$0.06 per application form x 750,000 application forms = \$45,000) and will need an appropriation from the driver services operating account.

Assume DVS will transmit required applicant information received from a driver's license, identification card, or learner's permit to the SOS based on the applicant submitting documentation indicating citizenship and that the applicant is aged 16 or older.

Assume DVS must complete MNDRIVE programming to identify when applications for driver's license, identification, and learner's permits submit supporting documentation indicating the applicant is a U.S citizen over the age of 16, update applications, and update interfaces with SOS to allow for daily transmission of data to SOS and monthly reports submitted to SOS. Assume 320 programming hours are required to these changes for a total programming cost is \$64,000 (\$200 per hour x 320 hours = \$64,000). Assume the programming costs will be absorbed by the DVS technology account.

Assume DVS will submit to SOS a report on the same day each month of how many applicants submitted applications that meet the requirements compared to how many records were transmitted to SOS.

Assume that no later than December 1, 2023, the commissioner of public safety and SOS have certified that DVS systems have been tested and can properly determine applicant voting eligibility and provide accurate data to SOS.

Revised

Assume effective date of July 1, 2023, is not enough time to complete required programming and update forms. Assume programming and testing can be completed by December 1, 2023, for providing required data to SOS.

Expenditure and/or Revenue Formula

FY24

Special Revenue Fund - Driver and Vehicle Services Technology Account

\$64,000 programming costs absorbed in the DVS technology account

Special Revenue Fund - Driver Services Operating Account

Application printing cost = \$45,000

Total Special Revenue Fund Driver Services Operation Account = \$45,000

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Pong Xiong 651-201-7580

Agency Fiscal Note Coordinator Signature: Dan Boytim

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Sentencing Guidelines Comm**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/15/2023 2:54:33 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

Revised

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	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Article 1 alters voting processes, including permitting 16- and 17-year-olds to preregister to vote. Section 4 excepts such preregistration from felony violations of Minn. Stat. § 201.054.

Article 2, section 2 establishes gross misdemeanor penalties for intimidating someone to prevent or compel voter registration or voting; for transmitting false information intended to impede or prevent someone from voting; and for interfering with voter registration or voting.

Article 3 pertains to campaign finance, amending chapters 10A and 211B.

Assumptions

It is assumed that Article 1's amendment to the felony defined in Minn. Stat. § 201.054 simply conforms to the article's change to the registration process, and will have no correctional impact.

It is assumed that Article 2's gross misdemeanor provisions are largely duplicative of the felony, gross misdemeanor, and misdemeanor provisions of Minn. Stat. §§ 211B.06, 211B.07, and 211B.13. Because the Judicial Branch reports no charges or convictions for these statutes between 2018 and 2022, it is assumed that Article 2 will have no correctional impact.

It is assumed that Article 3 may have some tendency to enlarge the number of people eligible for the felony penalty provisions of Minn. Stat. § 211B.15. Because the Judicial Branch reports no charges or convictions for this statute between 2018 and 2022, however, it is assumed that Article 3 will have no correctional impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, the bill will have no correctional impact. No long-term fiscal considerations are estimated.

Local Fiscal Impact

No local government fiscal impact is estimated.

Revised

References/Sources

Minnesota Judicial Branch District Court Criminal Charges Data, 2018 to 2022 (retrieved Feb. 7, 2023, at <https://www.mncourts.gov/Help-Topics/Court-Statistics/District-Court-Criminal-Charges-Data.aspx>).

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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Revised

Fiscal Note

2023-2024 Legislative Session

HF3 - 4E - Strengthen the Freedom to Vote

Chief Author: **Emma Greenman**
 Committee: **Ways And Means**
 Date Completed: **4/1/2023 2:14:21 PM**
 Agency: **Supreme Court**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/17/2023 3:05:02 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

Revised

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 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

HF3-4E at Article 1 modifies the felony provisions in section 201.054 to exempt lawful preregistration. The bill amends a number of other provisions in chapter 13 (Government Data Practices), chapter 171 (Drivers' Licenses), chapter 201 (Eligibility and Registration of Voters), and chapter 203B (Absentee Voting) to address and authorize voter preregistration for otherwise eligible individuals 16 or older and under 18; to address data classification; to provide for automatic voter registration, requiring state agencies including the department of public safety and the department of human services to modify applications to processes to address voter registration, and establishing the secretary of state processes regarding application information submitted under this section; to clarify absentee ballot, application, and ballot delivery provisions; and to add a new subdivision 9 to section 203B.12 requiring the secretary of state to maintain a public list of permanent absentee voters.

The bill at Article 2 section 1 adds a new section 204B.295 to chapter 204B (Election Administration; General Provisions) governing voting instructions and sample ballots in languages other than English and multilingual election judges; and at section 2 adds a new section 211B.075 to chapter 211B (Fair Campaign Practices) prohibiting intimidation and interference with the voting process and imposing civil penalties, and gross misdemeanor criminal penalties for a violation of that section.

The bill at Article 3 amends campaign finance provisions in sections 10A.01, 10A.27, and 211B.15.

Assumptions

It is assumed that the provisions of this bill could result in new criminal case filings. However, because there have been no cases filed under chapters 211B or 10A in the past 5 years, it is assumed that any increase would not have a measurable impact on the judicial branch.

Expenditure and/or Revenue Formula

The provisions of this bill are not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

Revised

None

References/Sources

Agency Contact:

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