



Draft MG111-1

Subject Elections

Authors Nelson

Analyst Matt Gehring

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Overview

This bill draft authorizes the secretary of state to modify certain election procedures by emergency order in the event of a public health pandemic, and appropriates two allotments of federal funding made available to the state for election security purposes under the Help America Vote Act.

Summary

Section	Description
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1	<p>Emergency Orders; Infectious Disease Outbreak Impacting Election</p>
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Authorizes the secretary of state to issue emergency orders to accommodate voters and the elections process in the event of an infectious disease outbreak.

The secretary's powers apply during a peacetime emergency declared by the governor to respond to the outbreak, but only upon the governor's certification that the outbreak, or executive orders directing a state response to the outbreak, may prevent an election from being conducted safely and in accordance with the state's election law.

A list of specific orders the secretary may make are listed in subdivision 2. The secretary is required to consult with impacted local governments prior to issuing any orders.

Orders must be published on the secretary's website and in the State Register, and carry the full force and effect of law. This is the same weight given to executive orders of the governor, and administrative rules adopted by state agencies.

Orders issued on or after May 1 of an election year applicable to the state primary or general election are irrevocable and apply regardless of whether the peacetime emergency remains in effect on election day

Section	Description
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2	Help America Vote Act Transfers and Appropriations; Secretary of State.
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Appropriates a total of \$17.18 million from the Help America Vote Act (HAVA) Account to the secretary of state to improve the security and administration of elections, consistent with the requirements of the federal HAVA law.

This dollar amount largely reflects funding available to the state from two recent federal appropriations:

(1) the Consolidated Appropriations Act, enacted in December 2019 (\$7.4 million); and

(2) the Coronavirus Aid, Relief, and Economic Security Act, enacted in March 2020 (\$6.9 million).

The remainder of the appropriation amount reflects the required 20% state match for each federal allotment (\$1.4 million and \$1.3 million, respectively). The state match amounts are appropriated for that purpose from the general fund.

The appropriation is available for use until December 21, 2024, consistent with a requirement in the 2019 federal law.

In 2018, Congress allocated \$6.6 million to Minnesota, also for election security expenses. That full amount, as well as the state match, was appropriated during the 2019 legislative session and is available for use under existing law.