

1.1 A bill for an act
1.2 relating to elections; authorizing the secretary of state to issue emergency orders
1.3 related to the conduct of an election during certain peacetime emergencies;
1.4 appropriating money from the Help America Vote Act account; proposing coding
1.5 for new law in Minnesota Statutes, chapter 204B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[204B.182] EMERGENCY ORDERS; INFECTIOUS DISEASE**
1.8 **OUTBREAK IMPACTING ELECTION.**

1.9 Subdivision 1. **Application.** The authority in this section applies only during the period
1.10 of a peacetime emergency declared by the governor under section 12.31, subdivision 2, that
1.11 relates to an infectious disease outbreak endangering public health. Upon certification by
1.12 the governor that the outbreak, or any executive orders directing a response to the outbreak,
1.13 may prevent a regular or special election from being conducted safely and in accordance
1.14 with the Minnesota Election Law, the secretary of state may order modifications to the
1.15 election procedure as authorized by subdivision 2. Except as necessary to implement those
1.16 orders, the Minnesota Election Law continues to apply to the conduct of the election.

1.17 Subd. 2. **Emergency orders by secretary of state.** Upon certification that this section
1.18 applies, the secretary of state may order that one or more of the following procedures be
1.19 implemented to facilitate the safe and secure conduct of a regular or special state or local
1.20 election:

1.21 (1) conduct of the election entirely by mail according to section 204B.45, subdivision
1.22 2, provided that a schedule for reasonable public notice and ballot delivery may be directed
1.23 by the secretary based on the circumstances of the outbreak;

- 2.1 (2) closure or relocation of high-risk polling places;
- 2.2 (3) consolidation of polling places, or the establishment of one or more vote centers that
2.3 have the capacity to serve all voters in an affected jurisdiction;
- 2.4 (4) authorization for an affidavit of candidacy under section 204B.06, along with any
2.5 applicable filing fees; a nominating petition under section 204B.07 or 204B.08; or a request
2.6 that a write-in candidate's votes be counted under section 204B.09, subdivision 3, to be
2.7 submitted by mail, electronic mail, facsimile device, or other electronic means, provided
2.8 that all necessary documents are received by the filing officer no later than 5:00 p.m. on
2.9 the last day for filing the affidavit, petition, or request;
- 2.10 (5) authorization for nominating petitions governed by section 204B.08 to be signed
2.11 electronically, consistent with chapter 325L; and
- 2.12 (6) authorization for the county auditor or municipal clerk to train and designate
2.13 employees of a health care facility or hospital to administer the absentee voting process to
2.14 temporary or permanent residents or patients in those facilities under section 203B.11.

2.15 Subd. 3. **Consultation with local government.** The secretary of state must consult with
2.16 impacted local elections officials prior to issuing orders under this section.

2.17 Subd. 4. **Notice of orders; effect.** An order issued by the secretary of state under this
2.18 section must be published as soon as possible after its issuance in a conspicuous place on
2.19 the secretary's website, and in the State Register. Upon publication in the State Register,
2.20 the order has the full force and effect of law. Orders issued on or after May 1 of an
2.21 even-numbered year which are applicable to the state primary or state general election in
2.22 that year are not revocable and apply regardless of whether the peacetime emergency remains
2.23 in effect at the time of the election.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.25 applies to peacetime emergencies in effect, or declared, on or after that date.

2.26 Sec. 2. **HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS;**
2.27 **SECRETARY OF STATE.**

2.28 Subdivision 1. **Appropriation.** (a) \$17,184,139 in fiscal year 2020 is appropriated from
2.29 the Help America Vote Act (HAVA) account established in Minnesota Statutes, section
2.30 5.30, to the secretary of state for the purposes of improving the administration and security
2.31 of elections as authorized by federal law, including but not limited to any of the following
2.32 activities:

3.1 (1) modernizing, securing, and updating the statewide voter registration system and for
3.2 cybersecurity upgrades as authorized by federal law;

3.3 (2) improving accessibility;

3.4 (3) preparing training materials and training local election officials;

3.5 (4) implementing security improvements for election systems; and

3.6 (5) funding other activities to improve the security of elections.

3.7 (b) Any amount earned in interest on the amount appropriated under paragraph (a) is
3.8 appropriated from the HAVA account to the secretary of state for purposes of improving
3.9 the administration and security of elections as authorized by federal law.

3.10 (c) The appropriations under paragraphs (a) and (b) are onetime and available until
3.11 December 21, 2024.

3.12 Subd. 2. **State match transfers.** The amounts listed in this subdivision are transferred
3.13 in fiscal year 2020 from the general fund to the Help America Vote Act account established
3.14 in Minnesota Statutes, section 5.30, and are credited to the state match requirement of the
3.15 corresponding federal act, as indicated:

3.16 (1) \$1,477,901, credited to the state match requirement of the Consolidated
3.17 Appropriations Act, 2020, Public Law 116-93, Title V; and

3.18 (2) \$1,386,122, credited to the state match requirement of the Coronavirus Aid, Relief,
3.19 and Economic Security Act, Public Law

3.20 The amounts transferred in this subdivision are included in the amounts appropriated to the
3.21 secretary of state under subdivision 1.

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.