

2024 Elections Policy Bill: HF 4772
Comparison of Senate and House
Proposal for Conference Committee May 10, 2024

	Start Page	Topic	House Section(s): HF 4772, 2 nd Engrossment	House/Senate Comparison	Senate Section(s): HF 4772, 1 st Unofficial Engrossment (from SF 4729)	Summary Description/Notes	Proposed Action
Elections Administration Provisions							
1.	R1, R47	Local government .gov domains		Senate only	3, 91	Requires counties and cities that administer elections to use a .gov domain website. Allows funds from the VOTER account to be used to transition to a .gov domain website.	Adopt Senate Sections 3 and 91 with amendment: Line 57.3, delete “ <u>elections shall</u> ” and insert “ <u>absentee voting must</u> ”
2.	R1	School board vacancies	1	Similar; technical differences	18	Provides that an appointment to fill a vacancy on a school board that occurs less than two years prior to the expiration of the term is valid for the remainder of the unexpired term, and no special election is required. It further provides that a school board may, but is not required to, fill a vacancy that occurs less than 90 days prior to the expiration of the term.	Adopt House Section 1 with amendment: Line 2.22, after the period insert “ <u>This paragraph does not apply if the vacancy occurs after candidate filing begins pursuant to section 205A.06 in the year preceding the end of the term.</u> ”
3.	R2	Major political party status	2	Same	19	Modifies and corrects a typographical error related to the standard for a political party seeking to be recognized as a major political party in Minnesota, to provide that the party must have received at least votes from at least eight percent of the total number of voters in an election for a statewide office. Under current law, the eight percent requirement only applies to elections held in November 2024 and later.	Previously adopted

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4.	R12, R14, R16, R18, R50	Miscellaneous identical voter registration provisions	12, 13, 15, 16, 66	Same	20, 21, 23, 25, 100	Provides a number of miscellaneous amendments to laws governing voter registration.	Previously adopted
5.	R19, R20	Miscellaneous identical absentee voting provisions	17, 18	Same	26, 27	Provides amendments to two provisions in law governing voter registration.	Previously adopted
6.	R21, R22, R24, R25, R26, R27, R37	Miscellaneous identical election administration provisions	20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 40, 46, 47, 53, 54	Same	28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 47, 53, 54, 60, 61	Provides a number of miscellaneous amendments to laws governing elections administration.	Previously adopted; reconsideration of language House line 25.24 after “must” insert “use the American Translator Association or employed by the Office of Enterprise Translation established in section 16B.373 or must”
7.	R28, R29, R35, R36	Miscellaneous identical timeline modifications (ECRA)	33, 34, 48, 49, 50, 51	Same	40, 41, 55, 56, 57, 58	Provides a number of amendments to timelines to comply with the federal Electoral Count Reform Act.	Previously adopted
8.	R29, R30, R31, R32	Miscellaneous identical recount provisions	35, 36, 37, 38, 39	Same	42, 43, 44, 45, 46	Provides a number of miscellaneous amendments to laws governing recounts.	Previously adopted

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9.	R33, R34, R47	Miscellaneous identical timeline modifications (notice to county auditor)	41, 42, 43, 44, 45, 61	Same	48, 49, 50, 51, 52, 90	Amends a number of laws to uniformly provide 84 days' notice to a county auditor before an election.	Previously adopted
10.	R15	Voter registration applications	14	Substantive differences	22	Requires space on the voter registration application for a voter to indicate a physical description of their location of residence. House: provides further specificity about the description being sufficient to identify the voter's correct precinct.	Adopt House section 14 with amendment: House line 16.21, after " <u>sufficient</u> " insert " <u>for the county auditor</u> "
11.	R17	Public information lists		Senate only	24	Prohibits making information from the public voter information list available on the internet on a list or database and from selling or providing access to information from the list to any other person or entity with certain exceptions.	Adopt Senate section 24
12.	R21	Temporary polling place on postsecondary	19	House only		Requires the county auditor or municipal clerk to establish a polling place for at least one day on a postsecondary institution's campus, upon	Adopt SCH4772A24

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		institution campus				request by the institution or its student government organization.	
13.	R27	Determination of proper number	30	Technical (Senate corrects a drafting error)	37	Modifies standards related to determining the number of ballots to be counted in a polling place on election night.	Adopt Senate section 37
14.	R36	Presidential electors	52	Substantive difference	59	Designates the location for the meeting of presidential electors. House: includes contingency language in the event the State Capitol is determined to be an impractical meeting location.	Adopt House section 52 with amendment: House line 40.14, after the period insert: <u>“The governor must alert members of the Capitol Press Corps of the location where the electors will meet.”</u>
15.	R37, R38, R39, R52	Presidential election contests		Senate only	62, 63, 64, 65, 66, 67, 68, 69, 70, 101	Establishes a separate process for presidential elector recounts.	Adopt Senate sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 101
16.	R43, R48	Dissemination of personal information about an elections official		Senate only	82, 92, 93	Amends the doxing laws relating to election officials and law enforcement officials. Expands the definition of “personal information.”	Adopt Senate sections 82, 92, 93 with amendment: On R43, Senate page 52, line 30, before “ <u>cell</u> ” insert “ <u>personal</u> ” On R48, Senate page 57, line 15, before “ <u>cell</u> ” insert “ <u>personal</u> ”

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17.	R44	Absentee ballot applications distributed by committees and private organizations		Senate only	83	Requires any mailing sent by a committee or private organization that includes an absentee ballot application or sample ballot to include statements that indicate that the mailing is not official communication from a unit of government. If a sample ballot is included, the ballot must state that it is not an official ballot.	Accept House position.
18.	R44, R48, R49, R50	Deepfake campaign ads	55, 56, 62, 63, 64, 65	Similar; some substantive differences	84, 85, 94, 95, 96, 97	Prohibits certain types of “deepfake” advertisements in a campaign.	Adopt House sections 55, 56, 63, 64 Adopt H4772A52
19.	R45, R52	Restoration of voting rights notice		Senate only	87, 102 (243.205 repealer only)	Amends the notice that is provided to a person upon release from incarceration notifying the person that the person’s right to vote has been restored. Replaces the notice language that is being repealed.	Adopt Senate section 87 and 102 (repeal of 243.205 only)
20.	R45, R46	County Sheriff and County Attorney; Vacancies	57; 58	Similar, some substantive differences related to vacancies occurring	88; 89	Authorizes a county board to call for a special election to fill a vacancy in the office of sheriff or county attorney. A schedule for when the special election must be conducted and other related details are provided.	Adopt Senate sections 88 and 89

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				prior to the end of term			
21.	R52	Hennepin County Board of Commissioner Vacancies	68	Same (structural difference)	102	Repeals a provision related to filling vacancies on the Hennepin County Board	Previously adopted
Minnesota Voting Rights Act							
22.	R4	Title	3	Similar	1	Establishes a title for the Minnesota Voting Rights Act	Adopt H4772A43
23.	R4	Definitions	4	Similar; grammatical differences	2	Provides definitions for a number of terms used throughout the Minnesota Voting Rights Act. Senate only: Defines the term “disparity.”	Adopt H4772A43
24.	R5	Construction and use of authority	5	Similar	3	Requires that laws, rules, local laws, charter provisions, local ordinances, and local codes relating to the right to vote be construed liberally in favor of a voter’s exercise of the right of suffrage. In exercising its discretion on procedural matters, courts are also required to weigh that discretion in favor of this right.	Adopt H4772A43

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25.	R5	Voter suppression and vote dilution prohibited	6	Substantive differences in Voter Suppression standard. Vote dilution standard is identical.	4	Establishes the substantive prohibitions on conduct that form the basis for the Minnesota Voting Rights Act judicial actions and remedies that are provided elsewhere in the Minnesota Voting Rights Act.	Adopt H4772A43
26.	R7	Relevant factors for determining violation	7	Substantive and grammatical differences	5	Provides a list of factors that may be considered by a court when determining whether a Minnesota Voting Rights Act violation related to voter suppression or vote dilution has occurred, but further establishes that any individual factor or combination of factors is not dispositive or necessary to show a violation. A number of other details, including a list of factors that the court is prohibited from considering when determining whether a violation has been established, is also included.	Adopt H4772A43
27.	R9	Presuit notice	8	Substantive differences	6	Requires a potential Minnesota Voting Rights Act plaintiff who may file an action alleging a voter suppression or vote dilution violation to first send a notice letter to the political subdivision, in certain circumstances.	Adopt H4772A43

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28.	R10	Right of action; venue; preliminary relief	9	Substantive differences	7	<p>Establishes judicial procedures related to filing claims for a violation of the Minnesota Voting Rights Act, including identifying the types of plaintiffs that are permitted to file, and related court venue and scheduling matters. Additional procedures would apply in actions where the plaintiff seeks a preliminary remedy with respect to an upcoming election.</p> <p>House only: specifies certain actions in which the state is a necessary party. Substantive differences in standard for preliminary relief.</p>	Adopt H4772A43
29.	R11	Remedies	10	Substantive differences	8	<p>Grants the court authority to tailor Minnesota Voting Rights Act remedies to best mitigate a violation of the law. Among other things, the court is permitted to consider remedies that have been ordered by a federal court or the court of another jurisdiction based on a similar set of facts or similar violation. The court must consider remedies proposed by named parties in the case and may also consider remedies proposed by interested nonparties. The court is prohibited from providing deference or priority to a proposed remedy offered by a defendant or political subdivision simply because it was proposed by that defendant or political subdivision.</p>	Adopt H4772A43

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30.	R11	Fees and costs	11	Substantive differences	9	Requires the court to award reasonable attorney fees and litigation costs, including expert witness fees and expenses, to a Minnesota Voting Rights Act prevailing party other than the state or a political subdivision. Standards for determining when a party has “prevailed” are provided. If a defending party prevails in the action, costs must not be awarded unless the court finds that the action was frivolous.	Adopt H4772A43
31.	R12	Effective date		Senate only, but reflects a technical difference in structuring the effective date of the Minnesota Voting Rights Act. Policy is substantively the same.	11	Effective the day following final enactment.	Adopt H4772A43
32.	R23	Change of polling place in an emergency	22	Similar; Grammatical differences	10	Provides authority for a local government to change a polling place location or designate additional locations, when required to remedy	Adopt H4772A43

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						a potential Minnesota Voting Rights Act violation.	
33.	R46	Adoption of city council wards; statutory cities	59, 60	House only		Authorizes a city to adopt an ordinance to elect council members by ward, if submitted for approval by the voters at a regular or special election; if approved or ordered to do so by a court acting in response to a challenge to the city’s method of conducting elections; or upon petition by the voters of the city. Additional details are provided.	Adopt H4772A43
34.	R51	Legislative findings	67	House only		Provides a number of legislative findings related to historical discrimination practices in Minnesota, and a public policy statement affirming that it is the policy of the state to encourage participation in the elective franchise by all eligible voters to the maximum extent; and to ensure that eligible voters who are members of a racial, color, or language minority group have an equal opportunity to participate in the political process of the state and to exercise the elective franchise.	Adopt H4772A43

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35.		Voting Rights Act Cost Sharing Account	N/A	House only		Establishes an account to be used to reimburse local governments for certain cost sharing obligations related to the Voting Rights Act	Adopt H4772A55
Campaign Finance Provisions							
36.	R39, R40, R41, R42, R43, R52, R53, R56	Campaign Finance Provisions impacting local candidates and campaigns	See HF 4411	Senate only, but House is carrying similar provisions in its Elections finance bill	71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 102 (211A repealers only), 4, 5, 10	Amends laws governing reporting of expenditures to the Campaign Finance Board related to local campaigns.	Accept Senate sections 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 102 (211A repealers only), 4, 5, 10 and add January 1, 2025, effective date to each section
37.	R52, R58, R59, R60, R61	Electioneering Communications	10, 4, 5, 6, 7, 8	Similar (structural differences only)	102, Para (b) plus effective date, 12, 13, 14, 15, 16	Amends standards governing electioneering communications to include certain types of digital advertisements.	Adopt H4772A57
38.	R53, R55	Lobbying; political subdivisions	1, 2, 3	Similar	6, 7, 8	Amends provisions related to lobbying of certain officials within a political subdivision.	Adopt House sections 1, 2 (excluding lines 49.28-49.31 on R54), and 3
39.	R55	Principal reports		Senate only	9	Requires a principal to report to the Campaign Finance and Public Disclosure Board total amounts, rounded to the nearest \$5,000 spent	Adopt Senate section 9

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						by the principal on specified types of lobbying. Requires principals to report on expenditures related to urging members of the public to contact public or local officials.	
40.	R57, R61	Campaign finance penalties		Senate only	11, 17	Amends the Board’s authority to impose late filing fees.	Adopt Senate sections 11 and 17
41.	R62	State and local lobbying activity study	9	Substantive differences	99	Requires a study and recommendations related to lobbying of state government officials vs. local government officials. Senate: Lobbying registration requirements related to certain local lobbying is stayed until June 1, 2025.	Adopt H4772A54
Census and Redistricting Provisions							
42.	R63	Census worker access to multi-unit residential buildings	1	Same	1	Requires certain multiunit housing facilities to provide access to units within the facility to employees of the United States Census engaged in official business, any time decennial census activities are conducted.	Previously adopted
43.	R63	Incarcerated persons in district plans	2, 3, 4	Minor grammatical differences;	2, 86, 98, 103	Provides that, for purposes of redistricting, the legislature and local governments must use the	Adopt House section 2, Senate section 86, Senate section 98

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				Senate: effective date		federal census data as modified by reallocating and excluding persons who are incarcerated.	

New Sections to Add

	Statutory reference	Amending instruction	Proposed Action
43.	203B.121, subd. 2 (Duties of ballot board; absentee ballots)	Strikes a reference to the ballot board contacting a voter. The official in charge of the ballot board must contact the voter.	Adopt SCH4772A25
44.	204B.46 (Mail elections; questions)	Requires notice of a mail election to be given 84 days prior to the election (instead of 74 days prior).	Adopt SCH4772A25
45.	205.10, subd. 6 (Cancellation)	Specifies that a special municipal special election may be cancelled not less than 84 days before the election (instead of 74 days).	Adopt SCH4772A25
46.	204B.16, subd. 1 (Authority; location)	Change “and” to “or” in the list of reasons a polling place may be changed during the year.	Adopt SCH4772A25
47.	358.645, subd. 2 (Qualifications; registration required); 358.71 (Database of notaries public); 359.01, subd. 5 (Registration to perform electronic notarizations); 359.03, subd. 3 (Specifications)	Add contents of SF 5012, making changes to electronic databases of notaries; notary stamp specifications	Adopt H4772A48

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48.	Several	Adopts several amendments adopted to the House elections finance bill, including a requirement that the secretary of state use the Social Security Death Index for updating voter registrations; requiring candidates to present a proof of residence when filing for office; and prohibiting candidates from making a personal loan to their campaign with terms that would require the campaign to pay the candidate interest on the loan	Adopt H4772A56
49.	Several	Adds new article establishing appropriations that reflects the spreadsheet.	Adopt SCH4772A27