

HF3666 - 0 - Intimidation of Election Officials Prohibited

Chief Author: **Emma Greenman**
 Committee: **State Government Finance and Policy**
 Date Completed: **3/3/2022 8:52:18 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) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	178	178	178
Total	-	-	178	178	178
Biennial Total			178		356

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	1	1	1
Total	-	-	1	1	1

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: Christian Larson **Date:** 3/3/2022 8:52:18 PM
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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		FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	178	178	178
Total		-	-	178	178	178
Biennial Total					178	356
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	178	178	178
Total		-	-	178	178	178
Biennial Total					178	356
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total					-	-

Bill Description

Section 1 amends Minn. Stat. § 8.31 to give the Attorney General enforcement authority over a new law, Minn. Stat. § 211B.076, created in section 2.

Section 2 creates Minn. Stat. § 211B.076, which prohibits a variety of conduct toward election officials, including: (1) intimidating an election official with the intent to influence the official in performing the official’s election-administration duties; (2) intentionally interfering with or preventing an election official from performing an election-administration duty; (3) disseminating personal information about an election official in circumstances that create a imminent and serious threat to the safety of the official or the official’s family; (4) knowingly, and with the intent of influencing or tampering with election-administration duties, making false allegations regarding an election official’s performance of official duties; (5) obstructing an election official’s access to or egress from a polling place, canvassing-board meeting, or other place where election officials perform official duties or store ballots and elections equipment; and (6) aiding and abetting or conspiring to commit any of these violations.

In addition to creating criminal remedies and a private right of action, the law gives the attorney general authority to bring a civil action to prevent or restrain a violation of the act; to recover damages, investigative costs, and attorney fees; and to recover other equitable relief as necessary.

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 toward election officials. 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.

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-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. 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.

Our revenue formula is based on billing rates effective July 1, 2022. Explanation of billing rates: the Office is statutorily required to bill agencies for the full cost of providing legal services for nongeneral funded activities. That is, when the Office does not receive general fund dollars for legal work performed for an agency, it charges the agency for those costs.

Based on this background, 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.

1 FTE Attorney averages 1,500 billable hours in one year at a rate of \$148.00/hour.

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 \$89.00/hour.

For this legislation, the AGO anticipates .5 FTE attorneys at a cost of \$111,000 and .5 legal assistants at a cost of \$66,750 devoted to this work.

Expenditure and/or Revenue Formula

FTE Formula based on billing rates

	Hourly Billing Rate FY22/23	Average Yearly Billable Hours	1 FTE Annual Cost
Attorney	\$148.00	1,500	\$222,000
Legal Assistant	\$89.00	1,500	\$133,500

FTE costs for this legislation

	FY23	FY24	FY25
Attorney FTE	0.5	0.5	0.5
LA FTE	0.5	0.5	0.5
Total Annual FTE	1.0	1.0	1.0

Long-Term Fiscal Considerations

Ongoing FTE costs

Local Fiscal Impact

References/Sources

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