

House Research Act Summary

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Overview

This act makes various substantive modifications to the laws governing elections and voting, including provisions related to school district elections, absentee voting, and the appointment of election judges.

Section

- 1 Ballot Questions.** Under current law, expenditures in excess of \$100 on activities designed to promote or defeat a ballot question must be reported to the Campaign Finance and Public Disclosure Board as campaign expenditures under section 10A.20. This reporting requirement includes lobbying activities at the legislature designed to promote passage of legislation that would place ballot questions (such as constitutional amendments) on the statewide ballot.

This act would exempt certain lobbying activities from that requirement: lobbying activity supporting or opposing a ballot question at the legislature (in other words, supporting or opposing “qualifying the question for placement on the ballot”) would not be reported as a campaign expense by the political committee, fund, party unit, or individual making the expenditure under section 10A.20. However, these expenses would still need to be reported as lobbying expenses by the lobbyist, consistent with the requirements in section 10A.04. Once approved by the legislature for submission to the voters, expenses directed at supporting or opposing the actual issue on the ballot must still be reported as a campaign expenditure; those requirements are unaffected by this act.

This section is effective retroactively from January 1, 2008.

- 2 **Noncampaign Disbursement.** Adds to the definition of “noncampaign disbursement” for
purposes of campaign finance law the costs associated with a candidate’s attendance at a
3 **Gifts by Lobbyists; Exceptions.** Modifies an existing exception for lobbyist gifts to
officials. A lobbyist may give a plaque with a resale value of \$5 or less.
4 **First Registration of Committee.** Provides that a political committee, political fund, or
certain candidates who have not yet been required to register with the Campaign Finance
and Public Disclosure Board because they have not received or made a qualifying
contribution or expenditure must register by the end of the next business day, if they receive
a loan or contribution that must be reported under section 10A.20, subdivision 5. Section
10A.20, subdivision 5 regulates contributions and loans received in the final days before an
election.
5 **Pre-Election Reports.** Modifies the reporting requirements for loans and contributions
received during the final days before an election. Loans or contributions made to: a
political committee or political fund totaling \$1,000 or more; a statewide judicial candidate
totaling \$2,000 or more; a judicial district candidate totaling \$400 or more; or a candidate
for constitutional office or legislature totaling 80% or more of the contribution limit for the
office must be reported by the end of the next business day, or electronically within 24
hours of its receipt.

The Campaign Finance and Public Disclosure Board is required to post the report online by
the end of the next business day following receipt of the report.

- 6 **Agreement by Candidate.** Requires a candidate to agree to caption certain campaign
advertisements as a condition of receiving a public subsidy for the candidate’s campaign.
New language related to the captioning is established in section 8 of this act.
7 **Affidavit of Contributions.** Provides that the affidavit of contributions required for
eligibility to receive a public subsidy must be submitted to the Campaign Finance and
Public Disclosure Board by the deadline for reporting receipts and expenditures before a
primary election.
8 **Captioning of Campaign Advertisements.** Provides that a candidate who has entered an
agreement to receive a public subsidy must caption all advertisements disseminated through
television or posted on the candidate’s website. Instead of captioning a web-based
advertisement, a candidate may post a transcript of the spoken content on the candidate’s
website. If an advertisement is not captioned or a transcript is not posted, the candidate is
required to file, before the advertisement is disseminated, a statement explaining the reasons
for not doing so with the Campaign Finance and Public Disclosure Board.

A candidate is also prohibited from disseminating an advertisement by radio unless the
candidate has posted a transcript on the candidate’s website, or has filed a statement
explaining the reasons for not doing so with the Campaign Finance and Public Disclosure
Board.

- 9 **Delivery of absentee ballots.** Permits a county auditor to deliver an absentee ballot to a
designated agent. This section makes technical changes to conform section 203B.06,
subdivision 3, to the new language in section 10 of the act.
10 **Agent delivery.** Current law permits a voter to designate an agent if the voter is a patient in
a health care facility, a participant in a residential program for adults, or a resident of a
battered women’s shelter. This section allows an eligible voter who would have difficulty
getting to the polls because of health reasons, is disabled, or a resident of a facility
providing assisted living services to also designate an agent to receive and deliver absentee

ballots.

Existing law permits agents to be designated in the four days preceding an election up until 2:00 p.m. on election day; this section permits agents to be designated during the seven days preceding an election until 2:00 p.m. on election day. To be designated, an agent must have a pre-existing relationship with the voter.

Remaining unaffected are current requirements that:

(a) a candidate at the election may not be designated as an agent;

(b) agents may only deliver ballots to three people in any election;

(c) the agent-delivered ballots must be returned to the county auditor or municipal clerk by 3:00 p.m. on election day; and

(d) the voter submit an affidavit requesting an agent deliver an absentee ballot.

11 Appointment of Election Judges. Under current law, designated county or legislative district chairs of each major political party must prepare a list of eligible voters to act as election judges in each precinct in the county or legislative district. This section moves the timeline for submission of potential judges' names from July to June.

12 Appointing Authority; Election Judges. Modifies the requirements for appointing election judges. Appointments must first be made using the lists of potential judges submitted by the major political parties. If all names are exhausted or no list is submitted, the appointing authority may appoint other qualified individuals to serve as election judges, including individuals not affiliated with a major political party.

At least two election judges in each precinct must be affiliated with different major political parties.

13 Elections by mail. Permits a county, municipality, or school district conducting a special election to conduct the election by mail. Under current law, an election by mail in these circumstances requires approval of the county auditor. This act eliminates the need for approval, but requires notice be given to the county auditor at least 53 days prior to the election. Special mail ballot procedures must be posted at least six weeks prior to the election.

14 Special elections. Modifies the timing requirements governing when a special election must be held to fill a congressional or legislative vacancy.

15 Special primary; filing. Provides that an affidavit of candidacy or a nominating petition for a special primary must be filed no later than 14 days before the special primary.

16 Special elections; recounts. Provides that the standard recount laws apply to a special primary or election. The secretary of state may immediately proceed to a recount if the certified reports of the county canvassing boards make it apparent that a recount is required.

17 Township elections. Exempts townships from various requirements related to party balance in the appointment and duties of election judges in township elections not held alongside a statewide election. Township elections are nonpartisan.

18 School board elections. Permits school boards to decide whether to hold a primary election to select nominees for the board. Under current law, a primary election is mandatory if there are more than two candidates for one board position or there are more than twice as many board candidates as there are at-large positions open. This act permits a

school district to conduct a primary election only if the school board adopts a resolution to that effect. A resolution must be adopted no later than June 1 of any year, and is effective for all future elections until the resolution is revoked.

19 Filing for school board office. Modifies the deadline for filing an affidavit of candidacy, depending upon whether a school district is conducting a primary election. If a primary election is to be held, affidavits of candidacy must be filed between eight and ten weeks before the first Tuesday after the second Monday in September (under current law, the state primary date). If there is to be no primary election, affidavits must be filed between eight and ten weeks before the school district general election.

20 School district elections. Incorporates section 204B.21, subdivision 2, into the exemption for school district elections relating to party balance of election judges. This modification is included because 204B.21, subdivision 2, as amended by this act, includes new requirements for party balance.

The reference to section 206.64, subdivision 2, is removed because that provision was repealed in 1997.

21 School districts; electronic voting systems. Permits school district elections to be conducted using an electronic voting system, if provided for by the school board, so long as the district has given proper notice and the secretary of state has approved the system.

22 Post-election review. Provides that, when a second round of post-election vote review is conducted as required by law, the results must be reported to the secretary of state within one week after the second review was completed. This eliminates the requirement of current law that a second review be completed within six weeks of the general election.

This section also provides that if a countywide review from one or more counties that make up more than 10 percent of the voters in an election indicates that an error occurred, the secretary of state must notify the proper official in each county in the affected district. The official must conduct a manual recount of all the ballots in the district for the affected office, following the procedures required by law for a recount. This recount must be completed within two weeks of the official's receipt of notice from the secretary of state.

23 Existing voter registration applications. Permits "old" voter registration applications that existed on July 31, 2007, to be used, without alteration, until they are gone.

This section is effective retroactively to August 1, 2007.