

House Research Act Summary

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TOPIC: Elections Omnibus

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Overview

This act was vetoed by the governor on May 22, 2009.

This act makes various modifications to the laws governing campaigns, campaign finance, voting, and election administration.

Included among the provisions are a shift of the state primary date from September to August, a requirement that absentee ballots be processed centrally rather than in individual precincts, a new procedure requiring a new election be scheduled if a vacancy in nomination occurs under specified circumstances, requiring the secretary of state to provide a voter registration confirmation feature online, granting townships the right to move the date of their election from November to March, and making numerous changes to election administration procedures.

A number of miscellaneous changes to campaign finance law are also included, including removal of several provisions that have been held unconstitutional, and a delay in the public release of campaign finance reports filed by certain political party units, including legislative caucuses, and an exemption from the electronic filing requirement unless both caucuses in each body of the legislature agree on the filing format.

Article 1: Elections and Voting

Section

1-4, 39, 50, 52, 62, 64, 83, 86, 91, 92, 96, 105, 106, **State primary held in August.** These sections shift the date of the state primary in even-numbered years from the first Tuesday after the second Monday in September to the second Tuesday in August. A number of conforming changes are also made to the law, including modification of filing deadlines and other administrative requirements necessary to implement the date change.

107, 112,
114, 116,
120

- 6, 11** **Student housing lists.** Requires certain postsecondary institutions to provide a list of current students, along with the address of each student, to the secretary of state roughly one month prior to a November general election. Minnesota State Colleges and Universities institutions are required to provide a list; the University of Minnesota is requested to provide a list; and other postsecondary institutions may choose to do so at their discretion.
- The secretary of state must combine the data received from each institution and match student names and addresses with their appropriate precinct. At least two weeks prior to the election, the secretary of state is required to forward appropriate precinct lists to each county auditor for use in election day registration. The lists may be forwarded electronically, or in another medium if a written agreement is entered between the county and the secretary of state.
- If the data provided by an institution is insufficient to determine an appropriate precinct for a student, that student's name may not be forwarded to a county auditor.
- Student residential lists are used to verify the residence of students who appear in a polling place on election day and are not previously registered to vote.
- 12** **Online registration confirmation.** Requires that the secretary of state's website provide a voter registration confirmation feature. An individual must be informed of their current registration status, and polling place location, if their name, address, and date of birth matches an active voter record in the statewide registration system.
- If an individual's name, address, and date of birth does not match a record in the system, the individual must be advised to contact the county auditor for further information.
- This section is not effective until the secretary of state has certified that the web site has been tested and operates properly.
- 16** **Report to legislature; undeliverable notices.** Requires the secretary of state to report to the legislature by January 15 following every general election on the number of voter registration notices returned as undeliverable. The conference committee removed a requirement that the report list the reasons that the notices were undeliverable.
- 7-10, 13-15, 17, 36, 53, 54, 55, 61, 63, 65, 69, 70-72, 74, 76, 79, 80, 82, 84, 85, 87, 88-90, 95, 97-100, 111, 117** **Election administration.** Adopts a variety of modifications to election administration procedures, including the use of a centralized results reporting system and the statewide voter registration system for certain types of elections, a prohibition on a power of attorney from completing election-related documents on behalf of a voter, an allowance for a voter to be absent from work for purposes of voting at any time on the day of an election, and new procedures consistent with federal Continuity of Congress laws.
- 16** **Undeliverable registration notices; report to legislature.** Requires the secretary of state to provide a report to the legislature containing information on voter registration notices

returned as undeliverable during each election cycle.

5, 18-36, 40, 62, 68, 73, 75, 77, 78, 81, 101-103, 108-110, 113, 115 **Absentee voting.** Provides various modifications to the requirements for absentee ballot processing, including permitting an absentee ballot to be automatically delivered to certain voters, eliminating the witness requirement for pre-registered absentee voters, and providing for identification number matches, rather than signature matches, when reviewing an absentee ballot return envelope.

These sections would also establish a new system for processing absentee ballots: the ballots would be processed entirely by a centralized absentee ballot board, rather than by election judges in each individual precinct.

Conforming and technical changes to the requirements for processing absentee ballots received from members of the military and other citizens living overseas are also provided.

36-39, 41-47 **Vacancy in nomination.** Establishes a new procedure in the event a candidate for office from a major political party is unable to continue through the election due to the candidate's death or, for state constitutional offices, due to a catastrophic illness.

In the event a vacancy occurs, the regularly scheduled general election for that office would be replaced by a special election for that office, to be held on the second Tuesday in December. The major political party affected by a vacant nomination would be permitted to fill the nomination following its own processes. Additional contingency procedures are provided in the event a subsequent vacancy in nomination occurs.

The secretary of state is required to reimburse counties and municipalities for the extra cost of conducting a special election due to a vacancy in nomination.

48, 49, 51, 52, 104 **Redistricting; cities electing council members by ward.** Requires cities that elect their council members in a year ending in one, and whose council districts are divided by ward, to redistrict the ward boundaries in the year ending in one to reflect population changes contained in the most recent United States census.

56, 58, 59, 60 **Election judges.** Specifies certain qualification requirements for election judges to restrict certain relatives from serving as election judges concurrently, modifies the procedure for submission of lists of potential election judges from each major political party, permits municipalities to authorize the appointment of additional election judges if necessary, and allows an election judge to affirm, rather than swear, the required election judge oath.

66 **Recounts.** Prohibits a court from issuing an order that would permit candidates in an election to judge whether an absentee ballot return envelope was properly accepted or rejected.

93, 94, 118, 119 **Township elections.** Specify when a township election may be moved due to bad weather, and permit townships that have chosen the alternative November general election date to move back to the standard March general election date.

These sections also permit a township to adopt six-year terms for town supervisors.

121 **Repealers.** The repealers provided in paragraph (a) of this section relate to the modification of absentee ballot processing procedures, and the repealers provided in paragraph (b) are related to the modification of certain technical election administration procedures.

Article 2: Campaign Finance

Section

- 1, 2** **Use of automobile.** Specifies that a campaign volunteer’s unreimbursed use of their personal automobile in the course of their volunteer work is not considered a “campaign expenditure” or “contribution” for purposes of campaign finance reporting.
- 3** **Independent expenditure.** Removes a provision of law that specifies that an expenditure made by a political party in a race where the party has a candidate is not an “independent expenditure.” This provision was declared unconstitutional by a federal district court in 1999.
- 4** **Noncampaign disbursement.** Specifies that the purchase of necessary utensils and supplies for a fundraising event that involves food and beverage service is a “noncampaign disbursement” for purposes of campaign finance reporting.
- 5, 7, 8, 10, 15** **Late filing of reports.** Eliminates a requirement that the Campaign Finance and Public Disclosure Board provide initial notice of late filings by certified mail. A notice by certified mail is still required prior to the Board’s imposition of a civil penalty or assessment of additional fees.
- 6** **Exceptions.** Provides that informational material with a resale value of \$5 or less is exempt from the lobbyist gift ban. Current law exempts informational material of “unexceptional value.”
- 9, 11** **Statement of organization; email address required.** Requires an email address for certain officers be provided to the board upon registration of a political committee, principal campaign committee, political fund, or party unit.
- The board may grant an exemption from the email address disclosure requirement upon a showing of good cause.
- 12** **Electronic filing.** Requires electronic filing of campaign reports, unless the board grants an exemption for good cause, for all reports related to election years 2012 and thereafter.
- 13, 22** **Release of reports.** Provides that certain campaign reports are nonpublic data until 8:00 a.m. on the day following the report’s due date.
- 14** **Certain political party units.** Provides for an extended classification of a financial report as nonpublic data until all party units within a group have reported. This provision only applies to the two largest state party units, and the two largest party units in each house of the legislature, based upon the level of contributions received.
- 16** **Third-party reimbursement.** Permits an entity reporting to the Campaign Finance and Public Disclosure Board to report each individual expenditure of a third party that is being reimbursed by the entity.
- 17** **Distribution of party accounts.** Eliminates language that implies that a candidate may file an affidavit of contributions after September 1 of an election year. This language is in conflict with other filing timelines provided in law.
- 18** **Withholding of public subsidy.** Provides for the withholding of a public subsidy payment to a candidate who does not file a report of receipts and expenditures on time. The payment

must be delayed until the candidate files the report, or cancelled if the candidate does not file a report required for a primary election by the time the report for the general election is due.

19 Public subsidy agreement; special election candidates. Modifies the deadline for filing a public subsidy agreement with the board in the case of a special election.

20 Affidavit of contributions; special election candidates. Modifies the deadline for filing an affidavit of contributions with the board in the case of a special election.

21 Commercial use of information. Exempts reports filed by lobbyists and principals from the prohibition on use of information collected by the board for a private individual or association's commercial purposes.

A restriction on use of lobbyist information in this way was held unconstitutional by a Minnesota district court in 1988.

23 Local campaign finance contents of report. Requires candidates for local office to include the amount of cash on hand when filing a report.

24 Local campaign finance; failure to file. Requires a filing officer to notify a candidate or committee only in situations where the candidate or committee has failed to make a required subsequent filing.

25 Charitable contributions. Includes candidates for a local office within the existing law permitting charitable contributions for political purposes. An unlimited amount may be contributed if the entity dissolves within one year of making the contribution.

26 Campaign Finance Board; Funding option. Requires the Campaign Finance and Public Disclosure Board to analyze the potential use of funds collected under the political contribution checkoff program for board operations.

A report to the legislature is required by January 15, 2010.

27 Repealer. Repeals section 10A.20, subdivision 6b, related to notices required upon an individual, political committee, or political fund making or becoming obligated to make an independent expenditure in excess of \$100.

This provision was declared unconstitutional by the U.S. Court of Appeals in 1994.