

Subject Elections Policy

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Overview

This bill includes a number of changes related to elections administration, campaign finance and lobbying, and census and redistricting policy.

Summary

Article 1: Elections Administration

Section	Description – Article 1: Elections Administration
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| 1 | <p>Appointments to fill vacancies; special elections.</p> <p>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.</p> |
| 2 | <p>Major political party.</p> <p>Modifies 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.</p> |
| 3 | <p>Minnesota Voting Rights Act.</p> <p>Establishes a title for a series of statutes proposed by this bill, the “Minnesota Voting Rights Act.”</p> |
| 4 | <p>Definitions.</p> <p>Establishes definitions for a number of terms that are used throughout the Minnesota Voting Rights Act.</p> |

Section Description – Article 1: Elections Administration

5 Construction and use of authority.

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.

6 Voter suppression and vote dilution prohibited.

This section 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 bill.

Subd. 1. Voter suppression. Prohibits a political subdivision or any other government official or entity responsible for election administration from taking an action that results in, is likely to result in, or is intended to result in: (1) a disparity in voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process between a protected class and other members of the electorate; or (2) based on the totality of the circumstances, a denial or impairment of the opportunity or ability of members of a protected class to vote or participate in the political process.

Subd. 2. Vote dilution. Prohibits a political subdivision or any other government official or entity responsible for election administration from adopting or enforcing any method of election, or structural adjustment to a political subdivision, that has the effect of impairing the equal opportunity or ability of members of a protected class to nominate or elect candidates of their choice as a result of diluting the vote of members of that protected class.

A number of additional details are provided in subdivision 2, including standards for showing a violation of the law and the types of evidence that may be considered.

7 Relevant factors for determining violation.

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 (subdivision 1) but further establishes that any individual factor or combination of factors is not dispositive or necessary to show a violation (subdivision 2).

For claims involving a political subdivision, evidence of the listed factors is most probative if it relates to the political subdivision in which the alleged violation occurred, but still holds value if it relates to the state as a whole or to the geographic region in which that political subdivision is located (subdivision 3).

Section Description – Article 1: Elections Administration

Evidence concerning an intent to discriminate against members of a protected class is not required to establish a violation of the law (subdivision 4).

A number of factors that the court is prohibited from considering when determining whether a violation has been established are also listed (subdivision 5).

8 Presuit notice.

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.

Subd. 1. Notice required. Requires a notice letter to identify the violation, the affected class of people, and the type of remedy that may address the potential violation. A court action related to the violation may not be filed until 60 days after the notice letter is sent.

Subd. 2. Responsibility of political subdivision. Requires a political subdivision that receives a notice letter to work in good faith with the potential plaintiff to address the violation. If the political subdivision adopts a resolution agreeing to enact and implement a remedy, it has 90 days after adoption of the resolution to enact and implement the remedy. The potential plaintiff may not file a court action during this 90-day period.

Subd. 3. Approval of remedies. Establishes a procedure for the secretary of state or a district court to approve a political subdivision's enactment or implementation of a remedy, in situations where the political subdivision may not have independent authority to do so.

Subd. 4. When presuit notice is not required. Provides a list of circumstances under which a prospective plaintiff is not required to submit a presuit notice letter to a political subdivision before pursuing a claim in court.

Subd. 5. Cost sharing. Establishes a procedure to reimburse the filer for reasonable costs associated with producing and sending a notice letter.

9 Right of action; venue; preliminary relief.

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.

Section Description – Article 1: Elections Administration

10 Remedies.

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.

11 Fees and costs.

Requires the court to award reasonable attorney’s 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.

12 Election day registration.

Eliminates language related to a voter’s use of a student identification cards for the purpose of proving residence during election day registration. These changes correspond with changes made in section 2 of the bill, related to the types of identification that may be presented by students on election day.

13 Additional proofs of residence permitted for students.

Expands the permissible types of identification a student may present to prove their identity during election day registration, when the student is using a residential housing list from a postsecondary institution to prove their residence. Under current law, only a valid student photo identification card may be used in conjunction with a residential housing list; as proposed in this section, a student may also present any other form of identification that is permissible for voters who are not students (such as a driver’s license).

14 Form.

Updates the form of the voter registration application to require a space for the voter to provide a physical description of the location of their residence, if the voter resides in an area lacking a specific physical address.

Section Description – Article 1: Elections Administration

15 Deficient registration.

Provides a conforming change to the standards for determining whether a voter application is deficient, to reflect the inclusion of a space for a voter to list the location of their residence if that location does not have a specific physical address.

16 Forms.

Requires school districts to make paper or electronic voter registration applications available each May and September to all district students who are eligible to register or preregister to vote.

17 Application procedures.

Expands the authority for a voter to submit an absentee ballot application electronically through the website of the secretary of state to include all local elections, except for town elections held in March, effective for elections occurring on or after November 4, 2025.

18 Eligibility certificate.

Modifies the witness requirements for an absentee ballot return signature envelope to provide that the witness must be a citizen of the United States and at least 18 years of age on or before the day of the election, rather than requiring that the witness must be registered to vote in Minnesota.

19 Temporary locations.

Require the county auditor to designate an additional polling place on the campus of a postsecondary institution, at the request of that institution or the student government organization of the institution. The designated location must be accessible to the public and operational for at least one day, at a location that is agreed upon by the institution. A request must be made at least 53 days before an election, and is valid for only that election.

This section only applies to institutions with undergraduate in-person enrollment of at least 1,500 full-time and part-time students.

20 Write-in candidates.

Requires the city clerk to notify the county auditor if the city adopts a resolution requiring that candidates who wish to have their write-in votes be counted submit a written request for that purpose.

This section also requires that, when a governing body of a township, school board, hospital district, park district, soil and water district, or other ancillary elected district adopts a resolution limiting the circumstances under which write-in votes are counted, the applicable local clerk must inform the county auditor.

Section Description – Article 1: Elections Administration

- 21 **Authority; location.**
Updates procedures for the maintenance of an existing polling place location, to reflect a standard enacted during the 2023 legislative session only requiring a local resolution to be adopted if the local jurisdiction wishes to make a change to the location.
- 22 **Duty.**
Provides that the secretary of state is only required to prepare and provide example ballots and voting instructions in accessible languages to county auditors during state elections.
- 23 **Designation of language minority districts.**
Updates standards for the timing and designation of language minority districts, including a requirement that the state demographer consider the identified margin of error in the census data when identifying census tracts that may meet the standard for a language minority district.
- 24 **Translation required; interpreter required.**
Establishes standards for providing translated materials in districts where more than one minority language exists in a language minority district.
- 25 **Sample ballot format requirements.**
Establishes formatting requirements for sample ballots that are provided in accessible languages to a language minority district.
- 26 **Persons allowed near polling place.**
Eliminates a definition of “exit polling.” This definition is recodified in the next section of the bill.
- 27 **Exit polling.**
Provides standards for the conduct of individuals conducting exit polling at a polling place. A definition of “exit polling,” recodifying a definition that already exists in law, is provided.
- 28 **Premature disclosure of count results.**
Provides standards related to the disclosure of count results after an election to account for the inclusion of absentee ballots after the initial results reporting from a precinct.

Section Description – Article 1: Elections Administration

- 29 **Determination of proper number.**
Eliminates obsolete language related to the counting of absentee ballots in polling places.
- 30 **Precincts with ballot tabulators.**
In precincts that use ballot tabulator machines, requires the election judges to immediately prepare a summary statement and seal the ballots for delivery to the county auditor, after the judges have agreed on the number of ballots to be counted.
- 31 **Information requirements.**
Clarifies that a precinct summary statement is only required to list data related to ballots that are produced using an assistive voting device, if the precinct otherwise uses that type of device for voting.
- 32 **County auditor.**
Amends the law requiring the county auditor to remain at the auditor’s office to receive and tabulate votes on election night for up to 24 hours after the end of the hours for voting, to provide instead that the county auditor must remain unless the auditor has adjourned absentee ballot counting.
- 33 **Discretionary candidate recounts.**
Updates standards for determining when a local jurisdiction is required to pay the cost of a discretionary candidate recount in an election for a federal or state office.
- 34 **Discretionary candidate recounts.**
Updates standards for determining when a local jurisdiction is required to pay the cost of a discretionary candidate recount in an election for a local office.
- 35 **Discretionary ballot question recounts.**
Updates the thresholds for the conduct of a discretionary recount of a ballot question, to reflect that some local ballot questions require a supermajority vote for passage.
- 36 **Sample ballot, publication.**
Provides that requirements for a municipal clerk to publish a notice to voters in the official newspaper of the municipality only applies to a municipal election not held in conjunction with a statewide election.
- 37 **Notice to auditor.**
Shifts the deadline for a municipal clerk to notify the county auditor of an election, from 74 days prior to the election to 84 days prior.

Section Description – Article 1: Elections Administration

- 38 **Notice to secretary of state.**
Shifts the deadline for a county auditor to notify the secretary of state of a municipal election, from 74 days prior to the election to 84 days prior.
- 39 **Cancellation.**
Shifts the deadline for a school board to cancel a special election ordered by the board, from 74 days prior to the election to 84 days prior.
- 40 **Notice to auditor.**
Shifts the deadline for a school district clerk to notify the county auditor of an election, from 74 days prior to the election to 84 days prior.
- 41 **Notice to secretary of state.**
Shifts the deadline for a county auditor to notify the secretary of state of a school district election, from 74 days prior to the election to 84 days prior.
- 42 **Combined polling place.**
Amends the law governing the duty of a school board to designate combined polling places, to require an annual resolution only if there are changes to existing combined polling places.
- 43 **Official responsible for providing ballots.**
In precincts that used certain types of assistive voting devices, requires that voters be provided the option of voting a paper ballot, in precincts that hand count ballots.
- 44 **Forfeiture of nomination or office.**
Establishes that a candidate convicted of violating Minnesota’s law addressing the use of deep fakes in elections has forfeited a nomination to elected office or an elected office.
- 45 **Disqualified candidate not to hold various positions.**
Provides that a person convicted of violating Minnesota’s law addressing the use of deep fakes in elections must not be appointed to fill a vacant office and is not qualified to fill any vacant office for which the legislature may establish qualifications.
- 46 **Board to fill vacancies in county offices.**
Provides a cross-reference to a substantive change found in the next section of the bill, related to vacancies in the office of county sheriff or county attorney.

Section Description – Article 1: Elections Administration

- 47 **Vacancy in office of sheriff or county attorney.**
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.
- 48 **Council increased or reduced.**
Provides a conforming change related to the authority for statutory cities to elect city council members by ward, established later in the bill.
- 49 **Wards.**
Permits a statutory city to provide by ordinance for the election of city council members by ward. The ordinance must designate the boundaries of each ward, and indicate whether the city will operate as a statutory standard plan city or statutory optional plan city.
- 50 **Election notices.**
Shifts the deadline for a hospital district clerk to notify the county auditor of an election, from 74 days prior to the election to 84 days prior.
- 51 **Use of deep fake to influence an election; violation.**
Amends the time frame in which a person can commit the offense of using a deep fake to influence an election to include 90 days before a political party nominating convention, or after the absentee voting period has begun prior to a presidential primary, state primary, local primary, special primary, or special election. Establishes that a broadcaster is not in violation of this section if the broadcaster is required by federal law to disseminate a deep fake produced by a candidate.
- 52 **Use of deep fake to influence an election; penalty.**
Makes conforming changes, stating that when a candidate is convicted of violating Minnesota’s law addressing the use of deep fakes in elections, a court must enter an order declaring that the candidate has forfeited the nomination for office. Further notes that any individual convicted of a violation is disqualified from being appointed to the vacated office or any other office for which the legislature may establish qualifications.
- 53 **Injunctive relief.**
Establishes that the right to bring an action for injunctive relief to prevent the use of a deep fake in an election may also include the right to other equitable relief.
- 54 **Severability.**
Creates a severability clause related to the election deep fake prohibitions that is consistent with the general severability clause in section 645.20 that says any

Section Description – Article 1: Elections Administration

- provision of a law that is found unconstitutional must be severed from the constitutional portions of the law and the constitutional provisions must remain in effect.
- 55 **Transition to new voter registration applications.**
Provides standards for the use of existing voter registration applications, and the transition to the use of a new application that meets the design requirements of this act.
- 56 **Legislative findings.**
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.
- 57 **Repealer.**
Repeals Minnesota Statutes, section 383B.031, governing vacancies on the Hennepin County Board of Commissioners.

Article 2: Campaign Finance and Lobbying

Section Description – Article 2: Campaign Finance and Lobbying

- 1 **Employee of a political subdivision.**
Defines the term “employee of a political subdivision.” This term is used in existing law, in relation to activities that exempt a person from being required to register as a lobbyist with the Campaign Finance and Public Disclosure Board.
- 2 **Lobbyist.**
Amends the existing definition of lobbyist by striking language that includes, as a lobbyist, certain individuals paid to urge others to communicate with public or local officials. This section also exempts from the definition of lobbyist individuals who provide expert information on a specified topic to a local official at a lobbyist’s request, and individuals who provide information or advice to members of a collective bargaining unit as part of the bargaining process.
- 3 **Principal.**
Increases the threshold that requires an individual or association to register as a “principal” under the state’s lobbying laws from \$500 in aggregate expenditures for

Section Description – Article 2: Campaign Finance and Lobbying

lobbying services in any calendar year to \$3,000 in aggregate in any calendar year. This section also expands the registration requirements when an individual or association expends money to lobby local governments to include efforts to influence the official action of any political subdivision, rather than only the official action of metropolitan governmental units.

4 Targeted to the relevant electorate.

In the existing law related to reporting of “electioneering communications,” modifies terminology related to communications that are “targeted to the relevant electorate” to include standards for determining when certain types of paid digital advertisements and communications are properly targeted.

5 Direct costs of producing or airing electioneering communications.

Expands existing standards for determining the “direct costs of producing or airing electioneering communications” to include certain costs related to disseminating messages digitally or by electronic means.

6 Electioneering communication.

Expands the definition of electioneering communication to include digital communications, and provides technical and conforming updates.

7 Publicly distributed.

Expands the definition of “publicly distributed” for purposes of the electioneering communications law, to reference dissemination in a digital format online or by other electronic means to a recipient’s telephone or other personal device.

8 Reports required.

Provides that reporting requirements related to electioneering communications do not apply to expenditures by political funds or political party units that are otherwise required to be reported as campaign expenditures or independent expenditures.

9 State and local lobbying activity; study required.

Requires the Campaign Finance and Public Disclosure Board to study issues related to the definition of “lobbyist” for purposes of the Minnesota Statutes, and how the term interacts between lobbying of state government officials vs. lobbying of a local official. A number of other details are provided. A report describing the study must be submitted to the chairs and ranking minority members of the relevant legislative committees no later than January 15, 2025.

Section Description – Article 2: Campaign Finance and Lobbying

10 Repealer.

Repeals Minnesota Statutes, section 10A.201, subdivision 11. This is a conforming change to reflect changes to the electioneering communications law enacted earlier in the bill.

Article 3: Census and Redistricting

Section Description – Article 3: Census and Redistricting

1 Applicability.

Requiring certain multiunit housing facilities to provide access to units within the facility to employees of the United States Census engaged in official business, at any time decennial census activities are conducted. As enacted in 2023, this requirement only applies from January 1 to July 1 in any year in which a decennial census is conducted (historically, the -0 year, each decade).

2 Incarcerated persons in district plans.

Provides that for purposes of redistricting, the legislature and local governments must use the federal census data as modified by reallocating and excluding persons who are incarcerated.

Subd. 1. Definitions. Establishes definitions of certain terms used in this section.

Subd. 2. Reallocation and exclusion of incarcerated persons. Provides standards for reallocating persons who are incarcerated in the datasets used for redistricting. A person who is incarcerated in a state or federal correctional facility who has a last known address in Minnesota must be reallocated to the census block of that address. A person who is incarcerated who has a last known address outside of Minnesota or who has no known last address must be excluded from the population for redistricting purposes but must be counted as part of the statewide population total.

Subd. 3. Department of Corrections duties. Requires the Department of Corrections to facilitate the reallocation process by providing relevant data to the executive director of the Legislative Coordinating Commission. On or before June 1 in a year ending in zero, the commissioner must provide to the director (“director”) of the Legislative Coordinating Commission (“LCC”) the following information for each person incarcerated at a state correctional facility on April 1 in the year of the decennial census: a unique identifier; the street address of the correctional facility; the last known residential address or description of the physical location where the person stayed if there was no physical address;

Section Description – Article 3: Census and Redistricting

demographic information; and any other information required by the director of the LCC.

Subd. 4. Federal correctional facilities. Requires the LCC director, by April 15 in a year ending in zero, to request that each federal correctional facility to provide the information specified in subdivision 3 about individuals incarcerated in the facility. If the information is not provided, persons incarcerated at the federal facility must only be included in the statewide population total and are not reallocated.

Subd. 5. Legislative Coordinating Commission duties. Requires the LCC director to conduct the reallocations and exclusions required by this section. Within 30 days of receiving the census data, the director must post the population counts that reflect the required reallocations and exclusions on the LCC’s website. The director must, in consultation with the commissioner, develop a standardized format and technical guidelines to be used in collecting addresses from incarcerated persons. The director must geocode addresses prior to reallocating and excluding incarcerated persons. Guidance on what addresses to accept or reject is provided. This subdivision also prohibits the director from disseminating data received pursuant to this section except as explicitly required by law.

This section is effective January 1, 2030, and applies to population counts used for redistricting conducted on or after that date.

3 Collection of incarcerated person’s address.

Requires the commissioner of corrections to make all reasonable efforts, as part of a person’s intake process, to collect the information necessary to reallocate and exclude persons who are incarcerated in the datasets used for redistricting. Individuals who have a safety concern may decline to provide an address. A data classification related to this information is provided. Beginning in 2030, the commission is required to provide the information electronically to the director of the LCC.

4 Collection of current incarcerated person’s addresses.

Requires the commissioner to make reasonable efforts to collect or confirm the information described in section 1 with each incarcerated person prior to April 1, 2030. This section applies to incarcerated persons who were incarcerated prior to the date the commissioner started routinely collecting the information as part of the intake process.



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