

Subject Elections and Campaign Finance

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Overview

This bill proposes a series of changes to the laws governing voter registration, election administration, election security, and campaign finance and disclosure law.

Article 1: Strengthen the Freedom to Vote

Section Description – Article 1: Strengthen the Freedom to Vote

- 1 Data derived from driver’s license applications.**

Provides a cross-reference in the Minnesota Government Data Practices Act related to the privacy of data contained on an application for a driver’s license, state identification card, or learner’s permit that is transferred to the secretary of state, when the secretary determines that the applicant is not eligible to vote. These data are classified as private, under a new classification established later in this bill.
- 2 Registration.**

Permits an individual who is under the age of 18, but is at least 16 years of age, to preregister to vote by submitting a voter registration application.
- 3 Prohibitions; penalty.**

Provides a cross-reference in a section of law outlining certain voter registration crimes, to reflect the new allowance in this bill for 16- and 17-year-old individuals to preregister to vote.
- 4 Preregistration.**

Details the specific registration procedures for individuals who are under the age of 18, but who are at least 16 years of age, to preregister to vote. These preregistrants may submit a standard voter registration application, or may be automatically registered to vote consistent with procedures established later in the bill.

Section Description – Article 1: Strengthen the Freedom to Vote

5 Form.

Updates the voter registration application form to reflect two new allowances created in this bill: for voters to join a permanent absentee voter list; and for otherwise eligible individuals to preregister to vote beginning at age 16.

6 Public information lists.

Prohibits the public disclosure of data on applicants who have preregistered to vote until the voter is fully registered (upon reaching the age of 18) or has voting history.

7 Automatic voter registration.

Establishes a process that requires an eligible applicant for a new or renewed driver's license, instruction permit, or identification card to be registered to vote, unless the applicant opts out of the registration. Other units of government would be authorized to provide a similar service.

Subd. 1. Automatic registration. Requires eligible applicants to be registered to vote, unless the applicant declines to be registered, when submitting an application for one of the following:

- 1) a new or renewed driver's license, instruction permit, or state identification card; or
- 2) an application for benefits or services to another participating agency.

Automatic registration must occur only if the application submitted otherwise requires documentation of the applicant's citizenship.

Subd. 2. Option to decline registration. Requires an individual who submits an application that qualifies for automatic registration to be provided a mailed notice informing the individual of the option and procedures necessary to decline to be registered to vote. Procedures for continuing to offer the individual an opportunity to be registered upon submission of certain future qualifying applications are also provided.

Subd. 3. Department of Public Safety. Requires the commissioner of public safety to format driver's license, instruction permit, and identification card applications to accommodate the new process required by this bill, if the application otherwise requires verification of the applicant's citizenship. Information on qualifying applications must be transmitted at least daily by electronic means to the secretary of state. Additional statistical reports and procedures are required, and a definition of "driver's license" to include a number of types of licenses and permits issued by the department is included.

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Subd. 4. Other agencies and units of government. Permits the commissioner of any state agency, the administrative head of any local government, or the administrative head of a federally recognized Indian Tribe within the state to consult with the secretary of state and convert any form or application to also serve as a voter registration application, if the form or application already provides verification of an applicant’s citizenship. An application or form may also be used to serve as an update to the address on a voter’s existing registration record. Information on qualifying applications must be transmitted at least daily by electronic means to the secretary of state. Additional statistical reports and procedures are required.

Subd. 5. Registration. Establishes procedures for determining whether an applicant whose information is submitted under this section is currently registered to vote and/or eligible to vote, and for those applicants determined to be eligible, processing appropriate updates to the statewide voter registration system to reflect the updated or new registration.

Subd. 6. Notice. Requires the county auditor to provide voters registered under this section with a notice of registration, consistent with the postal verification requirements of current law. The notice must include information on declining to be registered to vote. Rulemaking is authorized.

Subd. 7. Prosecution of registration violations; voluntary action required. Provides standards for determining whether an individual who is not eligible to vote has submitted a voter registration application under this section in a manner that violates the law.

Subd. 8. Effective date. Establishes the effective date for new registrations processed under this section, and a required notice in the event a registration is processed during the 20 days immediately preceding an election.

8 Duties of state agencies.

Provides that an existing requirement of state agencies, including nonprofit corporations that contract with a state agency to carry out certain obligations, to provide certain voter registration services includes providing information on automatic voter registration or information on voter eligibility and registration procedures as established in this bill.

9 Application procedures.

Provides a conforming reference in law to reflect the new allowance for a voter to apply to automatically receive an absentee ballot, rather than an absentee ballot application, prior to each election.

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- 10 **Permanent absentee voter status.**
Modifies the existing process that allows a voter to request that an absentee ballot application be sent automatically prior to each election. Instead of the application, this section would allow a voter to request that the absentee ballot itself be sent automatically prior to each election, without the need for an additional application. This authorization would not apply to voters residing in a jurisdiction that conducts elections entirely by mail.
- 11 **Printing and delivery of forms.**
Eliminates existing language setting a timeline for the delivery of absentee ballot applications prior to an election to those voters who request automatic delivery. These changes conform to the changes in this bill providing for the automatic delivery of an absentee ballot, rather than an application, prior to each election.
- 12 **Delivery of ballots.**
Establishes timelines for the delivery of absentee ballots to voters who request automatic delivery. The ballots must be mailed at least 45 days prior to a federal, state, county, city, or school board election. For town elections held in March, ballots must be mailed at least 30 days prior to the election.
- 13 **Names of persons; permanent absentee voters.**
Requires the secretary of state to maintain a list of permanent absentee voters. The list must be made available to the public in the same manner as the public voter registration list.
- 14 **Duties of ballot board; absentee ballots.**
Provides a conforming reference in the law governing absentee ballot board procedures to reflect the permanent absentee ballot authorization established by this bill.

Article 2: Protect Voters and Our Elections System

Section Description – Article 2: Protect Voters and Our Elections System

- 1 **Voting instructions and sample ballots in languages other than English; multilingual election judges.**
Establishes procedures and standards for providing voting instructions and sample ballots in languages other than English, and providing translation services to voters in a polling place on election day.

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Among these procedures and standards are a requirement that the secretary of state or county auditor contract with a translator certified by the American Translators Association to develop voting instructions and sample ballots in languages other than English, and a procedure for using certain census tract demographic data and requests from the public to identify and designate precincts where a language need exists.

In designated language minority precincts, translated materials are required. The minimum standard for these materials depends on the number of residents of voting-age who are members of a language minority in the precinct. In a precinct where that population makes up more than 20 percent of the total voting-age population, an interpreter certified by the American Translators Association must also be provided if at least ten registered voters make a request for one at least 30 days prior to the election.

2 Intimidation and interference with the voting process; penalties.

Establishes a series of prohibited acts related to intimidation, interference, and deceptive practices at an election. This section provides a civil remedy and criminal penalties for enforcement.

Subd. 1. Intimidation. Prohibits acts of intimidation directed at a voter or certain persons aiding with any aspect of the election process, including but not limited to assisting another person in registering to vote or encouraging another person to cast a ballot.

Subd. 2. Deceptive practices. Prohibits the transmission of information within 60 days of an election that is intended to impede or prevent another person from exercising the right to vote, if the transmitting person knows it to be materially false.

Subd. 3. Interference with registration or voting. Prohibits any person from intentionally hindering, interfering with, or preventing another person from voting, registering to vote, or aiding another person in casting a ballot or registering to vote.

Subd. 4. Vicarious liability; conspiracy. Provides for vicarious (extended) liability for any person who aids or conspires with another person to take an action in violation of this section.

Subd. 5. Criminal penalties; civil remedies. Establishes criminal penalties and civil remedies for violation of this section, including an authorization for enforcement by the attorney general.

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3 Administrative remedy; exhaustion.

Exempts the new sections regulating voter intimidation, interference, and deceptive practices in elections from an existing law requiring an administrative complaint process to be completed before a fair campaign practices violation may be prosecuted by a county attorney.

Article 3: Modernize Campaign Finance System to Empower Voters and Increase Disclosure of Secret Spending

Section Description – Article 3: Modernize Campaign Finance System to Empower Voters and Increase Disclosure of Secret Spending

1 Expressly advocating.

Expands the definition of “expressly advocating” to include certain types of political communications, even if they do not use words or phrases of express advocacy (such as “vote for” or “vote against”).

In Minnesota’s law, this term is used to identify certain types of independent expenditures that require disclosure and reporting to the Campaign Finance and Public Disclosure Board.

2 Contributions from certain types of contributors.

Prohibits candidates from allowing their principal campaign committee to accept contributions from corporations, including foreign-influenced corporations as restricted by this bill.

3 Definitions.

Defines terms used in the bill, including “chief executive officer,” “foreign-influenced corporation,” and “foreign investor.”

4 Foreign-influenced corporations.

Restricts certain types of political activities by foreign-influenced corporations, including:

- 1) making expenditures to promote or defeat a candidate for nomination, election, or appointment to a public office;
- 2) making contributions or expenditures to promote or defeat a ballot question or qualify a ballot question for placement on the ballot;
- 3) making contributions to a candidate or a candidate’s principal campaign committee;

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Section and Increase Disclosure of Secret Spending**

- 4) making contributions to a political committee, political fund, or party unit;
and
- 5) taking any action to publicly endorse or oppose a candidate or ballot
question.

5 Certification of compliance with subdivision 4a.

Requires a corporation that makes a contribution or expenditure that is permitted by law to submit a certification to the Campaign Finance Board that the corporation was not foreign-influenced as of the date the contribution or expenditure was made.

6 Knowing violations.

Adds a reference to the new foreign-influenced corporation restrictions into an existing subdivision of law specifying the circumstances under which an individual or corporation has knowingly violated the law.



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