

HOUSE RESEARCH

Bill Summary

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Overview

This bill modifies numerous requirements relating to voter registration, election procedures, and campaign practices. It also repeals several sections of law, and appropriates funding to the secretary of state for implementation purposes.

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1 First Registration. Requires new political committees, political funds, principal campaign committees, and party units that organize in the final days leading up to an election to register with the Campaign Finance and Public Disclosure Board within 24 hours upon receiving a loan or contribution that requires reporting under section 2 of the bill. The 24-hour reporting requirement does not apply to legislative candidates in a special election.

The bill does not affect the current 14-day deadline for registration when entities make or receive initial contributions or expenditures that would fall outside of the scope of section 2.

2 Pre-Election Reports. Requires any loan, contribution, or set of contributions from one source totaling \$800 or more to a political committee, political fund, party unit, or candidate in a statewide election be reported to the Campaign Finance and Public Disclosure board within 24 hours if the loan or contribution is made between the last day included in the final financial report before an election and election day. The 24-hour reporting requirement does not apply to legislative candidates in a special election.

This lowers the current \$2,000 threshold for required reporting in statewide elections. The \$400 threshold for reporting loans or contributions to candidates in any judicial district or

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legislative election remains unchanged. Reports must be made either in person or by electronic means.

This section reduces the current 48-hour period for reporting in the final days before an election, and eliminates the existing option for reporting by telegram, mailgram, or certified mail.

- 3 **Major Political Party.** Modifies the definition of "major political party" by moving the deadline for a political party to petition the secretary of state for a major-party status listing on the state partisan primary ballot. Under current law, a petition may be filed at any time before the close of filing. This bill requires petitions to be filed at least six weeks before the start of the filing period. It also requires that petitions only be circulated between January 2 and the petition-filing deadline.
- 4 **Minor Political Party.** Creates a definitional change to "minor political party" similar to that in section three of the bill. A party must petition the secretary of state for minor party status at least six weeks before the start of the filing period, and petitions may only be circulated between January 2 and the petition-filing deadline.
- 5 **Notice of Violation.** Modifies the conditions under which a county auditor must mail a violation notice to voters. Under current law, a violation notice must be sent where the county auditor determines that a voter has voted in a precinct other than the precinct in which the voter maintains residence. This bill changes the language to require a violation notice be sent when a county auditor determines that a voter has voted using an address at which the voter does not maintain residence on election day.
- 6 **Registered Voter Signature.** Permits voters who are unable to sign their name sign by making a mark, having another person write the voter's name in the voter's presence, using a rubber stamp of the voter's signature or mark, or other method of another person making a signature for the voter and adopted for all purposes of a signature, if within the voter's presence.
- 7 **Registration Prior to Election Day.** Permits eligible voters the option of registration by paper application, or if an individual has a Minnesota driver's license, identification card, or learner's permit, registration using the website maintained by the secretary of state. A state or local agency accepting applications must submit them to the secretary of state within 10 business days after the date of the application.
- 8 **Compensation for Soliciting Registrations.** Prohibits individuals from being compensated for soliciting, collecting, or accepting voter registration applications if the rate of compensation is determined by the number of registration applications received. Violation is a petty misdemeanor.
- 9 **Election Day Registration.** Removes the requirement that vouching information be included on the voting records of the person registering to vote and the current voter who is vouching for the individual's residence.
- 10 **Format of Registration Applications.** Applies the requirements of a suitable size and weight for mailing and space for a voter's signature only to paper registration applications.
- 11 **Online Registration Verification.** Requires the secretary of state's website to provide registration verification for registered voters. By providing the individual's name, address, and date of birth, the system must inform the voter of their active registration status and polling place, if appropriate. If the information provided is not a complete match to the statewide registration system, the individual must be informed of the non-match and advised to contact the county auditor or secretary of state.

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- 12 Notice of Election.** Requires the secretary of state to mail a notice about an upcoming election to every household in the state, between seven and 14 days before each state general election. The notice must include polling place information as well as the districts in which the voter resides, and must provide information on voting eligibility and election-day voter registration.
- 13 Active Voter Status.** Extends the time period during which voters maintain active voting status from four years to six years. Registered voters who have not voted after six years are classified as "inactive." The bill requires rejected absentee or mail ballots, in addition to the existing allowance for late absentee ballots, to be considered votes for purposes of active voter registration status.
- 14 Absentee Ballot Envelope.** Eliminates the requirement that an absentee ballot be designed so as to contain either an additional envelope or a flap to conceal the voter's signature, identification, and other information.
- 15 Absentee Voting Locations.** Requires that any polling places designated by the county auditor for absentee voting during the 30 days preceding be equipped with at least one electronic ballot marker, in addition to the current requirement that at least one voting booth be provided at each location.
- 16 Absentee Ballot Counting.** Modifies the deadline after which absentee ballots may be counted on election day. Under current law, absentee ballots may only be opened after the last regular mail delivery of the day. This bill would allow absentee ballots to be opened for counting after noon on election day.
- 17 Absentee Ballot Board.** Eliminates the requirement that a county have established a counting center before authorizing an absentee ballot board. An absentee ballot board may be used to accept or reject absentee ballots during the 30 days prior to an election, allowing some voters to correct mistakes. Absentee ballot boards are also permitted in municipalities and school districts upon an appropriate local resolution or ordinance.
- 18 Duties of Absentee Ballot Board.** Limits the scope of the absentee ballot board's authority to examining absentee ballot envelopes and accepting or rejecting the ballots. Under current law, the board is also permitted to open and count absentee ballots. This section also eliminates the requirement that the secretary of state provide sample replacement ballots and return envelopes to counties.
- 19 Affidavit of Candidacy.** Requires affidavits of candidacy to include an original signature of the candidate.
- 20 Affidavits and Nominating Petitions.** Creates a deadline for submitting an affidavit of candidacy for candidates for presidential elector not affiliated with a major party. Nominating petitions must be filed no earlier than 70 days before the state primary. This section also requires that affidavits of candidacy and nominating petitions be filed with the secretary of state for federal offices, with the county auditor for county offices, and either the secretary of state or county auditor for state offices.
- 21 Write-In Candidate Votes.** In addition to candidates for state and federal office, requires write-in candidates for county office who want write-in votes counted to file a request with the appropriate filing office. The deadline for submitting this request is moved from the fifth to the seventh day before the general election.
- 22 Petition Circulation.** Establishes a window of time in which a candidate may circulate a petition rather than paying a filing fee at the time of filing an affidavit of candidacy. Petitions may be circulated from the date of precinct caucuses to the end of the period for filing affidavits of candidacy.

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- 23** **Polling Place Location.** Expands the distance from the precinct in which a metro-area polling place can be located from 3,000 feet to one mile outside the boundaries of the precinct.
- 24** **Naturalized Citizens.** Requires the secretary of state to obtain a monthly list containing the names and residential addresses of citizens newly naturalized in the state, and to send each person on the list information on registering to vote and service as an election judge.
- 25** **Voter Complaints.** Establishes a voter complaint and resolution process to replace the current process repealed by section 49 of the bill.

Subd. 1. Establishes the conditions for which a voter may file a complaint and seek resolution, including improper maintenance of voter records, an inability to register to vote as allowed by law, a lack of proper voting systems with which to vote, and a failure to comply with a duty imposed by the Help America Vote Act. Complaints must be filed with the appropriate local or state offices as described in the bill, using a standard form for complaint as provided by the secretary of state.

Subd. 2. Expands the deadline for submission of a copy of a complaint to the jurisdiction complained against from three business days to seven calendar days.

Subd. 3. Reduces the deadline for submitting a written response from 20 days to 14 days.

Subd. 4. If the person filing the complaint is not satisfied with the response, that person may file a request for a hearing. If a hearing is conducted, the official with whom the complaint was filed must rule on the complaint within 14 days after the hearing.

Subd. 5. Appeals may be made no later than 30 days after the ruling, and must be heard within 14 days of filing the appeal. Appeals are to be filed with the secretary of state, who may affirm, reverse, or modify a ruling and provide instructions to parties as necessary. If a complaint is against the secretary of state, the appeal must be filed in Ramsey County District Court.

The appeal process is effective beginning January 1, 2008.

- 26** **Mail Balloting Procedure.** Modifies the window of time during which jurisdictions using mail balloting may send ballots from between 20 and 14 days before an election to between 30 and 14 days before the election. Requires the county auditors to mail ballots to voters who registered after the initial mailing of ballots, but before 20 days prior to the election. Requires the auditor or clerk to appoint election judges to accept or reject ballots during the 30 days prior to the election; if a ballot has been rejected at least five days prior to election day, a replacement ballot must be provided to the voter.
- 27** **Polling Place Lingerin****g.** Prohibits individuals, except election judges and individuals waiting to register to vote, from standing within 100 feet of a building in which a polling place is located. Under current law, individuals are not permitted to stand within 100 feet of the doorway leading to the room where the voting is actually taking place.
- 28** **Cancellation of a Special Municipal Election.** Permits a special election ordered by a municipality to be cancelled by its own motion, so long as the cancellation does not occur less than 46 days before the election.
- 29** **City Office Write-in Candidates.** Requires candidates wishing to have write-in votes

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counted for their candidacy to file a request with the appropriate filing officer no later than seven days prior to the election. The filing officer must make forms available on which the request can be made.

30 Municipal Election Sample Ballots. Requires sample ballots for municipal elections be created at least two weeks before election day and made available for public inspection. The modifications conform the requirements to other sample ballot deadlines as modified in the bill.

31 Notice of Cancellation. Requires the municipal clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.

32 Cancellation of a Special School Board Election. Permits a special election ordered by a school board to be cancelled by its own motion, so long as the cancellation does not occur less than 46 days before the election.

33 Notice of Cancellation: County Auditor. Requires the school district clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.

34 Notice of Cancellation: Commissioner of Education. Requires the school district clerk to notify the commissioner of education, in writing, of any cancelled special election at least 46 days prior to the scheduled election.

35 Disabled Voters. Requires township elections held after December 2009 to include, at each polling place, a voting system that is accessible for individuals with disabilities, including non-visual accessibility for the blind.

36 Postelection Review Official Definition. Modifies the definition of postelection review official to mean the county auditor, unless the county auditor designates that title to the municipal clerk within 24 hours after the canvass of the state general election.

37 Postelection Review Procedures. Requires additional reviews to be conducted in at least three precincts in the same jurisdiction, if a discrepancy of greater than one half of one percent, or greater than two votes in a precinct with 400 or fewer cast ballots is discovered in one precinct. If similar discrepancies are discovered in the newly reviewed precincts, the county auditor must conduct a review of all precincts in the county.

38 Local Candidate Financial Reports. Requires financial reports filed by candidates for certain local offices include a printed name, phone number, signature, and email address, if available, in addition to the address of the person responsible for filing the financial report.

This section also requires that the filing officer restrict public access to the address of individuals who have made contributions of \$100 or more, if the individual has submitted a written, signed statement that the safety of the individual or the individual's family requires withholding address information.

39 Failure to File a Financial Statement. Modifies the procedures for notification of a failure to file a required financial report or certification, and imposes a penalty in certain instances. A notification must be sent by certified mail no later than four business days after the deadline for report submission. If a report is not filed within 10 business days after the notice was sent, a late fee of \$10 per day must be imposed, not to exceed \$200. If a report is not filed within 30 days after the notice was sent, the filing officer must file a complaint with the Office of Administrative Hearings, and the late filing fee must be made payable to that office. No fee may be assessed on the county from which the complaint was filed.

40 Use of the Term Re-Elect. Modifies the law regulating the use of the term "re-elect" to specify that an individual or candidate may not use the term "re-elect" unless the candidate

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is the incumbent of the office for which the election is being held. The term "re-elect" may not be used if the incumbent is seated in the office as a result of an appointment, rather than an election.

Defines "incumbent" to mean the individual seated in the office on the last day of filing as a candidate for election to the office.

41 Polling Place Solicitation. Modifies the restriction on campaign material, signs, solicitation and other persuasion of voters near a polling place. Under current law, these activities may not occur within 100 feet of a building in which a polling place is located, and anywhere on the public property on which a polling place is situated. This bill removes the public property restriction, leaving the no-campaigning zone anywhere within 100 feet of the building where the polling place is located. This modification conforms the requirements to the restrictions on lingering near a polling place, as modified in section 25 of the bill.

42 Uniform Electronic Transactions Act. Exempts affidavits of candidacy relating to the conduct of elections from the requirements of chapter 325L, the Uniform Electronic Transactions Act, which regulates certain types of electronic records.

43 County Commissioner Vacancy; Option for Special Election. Permits a vacancy in the office of county commissioner to be filled by a special election held between 30 and 90 days after the vacancy occurs.

44 County Commissioner Vacancy; Option for Appointment. Permits a vacancy in the office of county commissioner to be filled by a board appointment at a regular or special meeting. This section requires a special election to be held if the vacancy occurs before the first day to file an affidavit of candidacy for the next county general election and more than two years remain in the unexpired term. The appointed person maintains the seat until the qualification of a successor at the special election.

45 City Charter Amendment Petitions. Requires that petitions filed to propose an amendment to a city charter be signed no earlier than 26 weeks before the general election.

46 Hospital District Write-in Candidates. Requires candidates for hospital district office wishing to have write-in votes counted for their candidacy to file a request with the appropriate filing officer no later than seven days prior to the election. The filing officer must make forms available on which the request can be made.

47 Appropriation. Appropriates money for fiscal years 2008 and 2009 to the secretary of state for purposes of implementing the requirements of the bill.

48 Repealers. Repeals the following sections of Minnesota law:

Section 200.04: Help America Vote Act complaint procedures; these procedures are replaced in section 25 of this bill

Section 201.061, subdivision 7: Records of attempted voter registration by individuals unable to provide proof of residence submitted to the appropriate county auditor

Section 201.096: Use of the statewide voter registration system for school district elections

Section 203B.02, subdivision 1a: Permitting county boards to authorize any eligible voter to vote by absentee ballot, without qualification, between August 1991 and November 1992

Section 203B.13, subdivision 3a: Creation of a list of voters requesting absentee ballots, to

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be submitted to an absentee ballot board and verified against voters actually appearing at the polling place