

**HF3024 - 0 - Early and Absentee Voting**

Chief Author: **Liz Boldon**  
 Committee: **State Government Finance and Policy**  
 Date Completed: **2/10/2022 4:55:04 PM**  
 Lead Agency: **Secretary of State**  
 Other Agencies:  
     Administrative Hearings

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.  
 Reductions shown in the parentheses.

Dollars in Thousands	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Administrative Hearings</b>					
Administrative Hearings	-	-	-	-	-
<b>Secretary of State</b>					
General Fund	-	-	184	37	-
<b>State Total</b>					
Administrative Hearings	-	-	-	-	-
General Fund	-	-	184	37	-
Total	-	-	184	37	-
Biennial Total			184	37	

Full Time Equivalent Positions (FTE)	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Administrative Hearings</b>					
Administrative Hearings	-	-	-	-	-
<b>Secretary of State</b>					
General Fund	-	-	-	-	-
Total	-	-	-	-	-

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Christian Larson    **Date:** 2/10/2022 4:55:04 PM  
**Phone:** 651-284-6436    **Email:** christian.larson@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b> Dollars in Thousands	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Secretary of State					
General Fund	-	-	184	37	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>184</b>	<b>37</b>	<b>-</b>
			<b>Biennial Total</b>	<b>184</b>	<b>37</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	11	-	-
Secretary of State					
General Fund					
Expenditures	-	-	195	37	-
Absorbed Costs	-	-	(11)	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>195</b>	<b>37</b>	<b>-</b>
			<b>Biennial Total</b>	<b>195</b>	<b>37</b>
<b>2 - Revenues, Transfers In*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	11	-	-
Secretary of State					
General Fund	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>11</b>	<b>-</b>	<b>-</b>
			<b>Biennial Total</b>	<b>11</b>	<b>-</b>

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 Agency: **Secretary of State**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.  
 Reductions shown in the parentheses.

Dollars in Thousands	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>General Fund</b>	-	-	184	37	-
<b>Total</b>	-	-	<b>184</b>	<b>37</b>	-
<b>Biennial Total</b>			<b>184</b>		<b>37</b>

	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Christian Larson    **Date:** 2/10/2022 4:53:50 PM  
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### **State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>			<b>Biennium</b>		<b>Biennium</b>
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	184	37	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>184</b>	<b>37</b>	<b>-</b>
		<b>Biennial Total</b>	<b>184</b>		<b>37</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
General Fund					
Expenditures	-	-	195	37	-
Absorbed Costs	-	-	(11)	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>184</b>	<b>37</b>	<b>-</b>
		<b>Biennial Total</b>	<b>184</b>		<b>37</b>
<b>2 - Revenues, Transfers In*</b>					
General Fund					
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
		<b>Biennial Total</b>	<b>-</b>		<b>-</b>

### **Bill Description**

This bill provides for a system of early voting as well as modifies the current permanent absentee voting list to allow any voter on that list to receive an absentee ballot. Under current law, any voter on the permanent absentee list receives an application for a ballot.

**Section 1** provides that the Minnesota Election Laws applies to early voting.

**Section 2** provides a definition of the term early voting, defining it as voting in person before election day at the office of a city clerk, county auditor, or other designated location.

**Section 3** adds early voting to the covered activities where certain conduct is prohibited.

**Section 4** modifies the current permanent absentee voter status provision to require that an eligible permanent absentee voter be sent a ballot. Current law requires eligible permanent absentee voters be sent a ballot application. This section further clarifies that the permanent absentee voter provisions do not apply to voters living in jurisdictions conducting elections entirely by mail under 204B.45.

**Section 5** applies the same standard for municipal clerks' eligibility to administer absentee voting to early voting.

**Section 6** removes the timing requirements for sending absentee ballot applications to those on the permanent absentee list because those voters will now receive a ballot.

**Section 7** specifies when an absentee ballot must be mailed to those voters on the permanent absentee ballot list and sets the timing to the beginning of absentee voting period.

**Section 8** adds early voting to the conduct that requires the establishment of a ballot board.

**Section 9** allows the ballot board to confirm that the voters name and address match either the information on the absentee ballot application or the voter's record.

**Section 10** requires the ballot board to administer early voting procedures.

**Section 11** provides that a voter cannot be permitted to cast another ballot in that election if they have voted in the early

voting period.

**Section 12** allows absentee ballot boards to start opening and processing absentee ballots starting at the beginning of the early voting period.

**Section 13** includes early voting ballots in the process for handling and storing absentee ballots.

**Section 14** establishes early voting as a procedure available to any voter entitled to vote in a federal, state or county election. For city elections, this section permits a city to authorize early voting prior to candidate filing and only if the city has the technological capability and training to administer early voting.

**Section 15** sets the time period of early voting as 30 days before any applicable primary, general, or special election, and requires that voters in line at 5:00 p.m. on the last day of early voting be permitted to vote.

**Section 16** sets the hours of early voting as between 8:00 a.m. and 4:30 p.m. on each weekday during the early voting period, requires an additional weekday date of 8:00 a.m. to 8 p.m. on one weekday of the jurisdiction's choosing, and 10:00 a.m. to 5:00 p.m. on the two Saturdays before the election.

**Section 17** specifies the allowable locations for early voting and requires that early voting be available in those locations designated to administer absentee voting. The section further specifies that there be a minimum of one location for every 50,000 people in the county, and that the locations be distributed geographically. Each early voting location must have an accessible ballot marking device as well as a tabulator.

**Section 18** requires that the county auditor or municipal clerk provide notice of the days, location, and time of early voting and must post that notice on the county or city's website 14 days prior to the start of absentee voting. The provision allows a county to publish the notice in a newspaper if the county or city does not operate a website.

**Section 19** establishes procedures for casting a ballot using early voting, including a requirement that the voter sign the certification required of all voters voting on election day, and that a voter be permitted to register on-site if necessary. Ballots cast using early voting must be processed and counted by a ballot board.

**Section 20** requires a county auditor to make available the supplies for early voting.

**Section 21** sets the timeline for delivery of the computer programming for any election at 40 days before the election.

**Section 22** changes the date for required testing of voting stems from within 14 days of the election to at least 37 days before the election.

**Section 23** provides that early voting will become effective upon certification by the Secretary of State, that the Statewide Voter Registration System can conduct and track early voting, and that precinct voting equipment that can tabulate at least 30 different ballot styles has been certified for use in this state.

## **Assumptions**

Substantial computer programming is required for the Statewide Voter Registration System to comply with both the provisions of early voting and the permanent absentee ballot list. In order to make the changes required, staff time in the form of Election Division Business Analysis ("ED Business Analysis"), IT Programming ("OSS IT"), and Quality Assurance Testing ("QA") will need to be utilized.

OSS periodically conducts rulemaking and will combine the rulemaking for the drop box standards and the automatic voter registration into that rulemaking. The early voting rulemaking is authorized to use a separate procedure which would be in addition to the normal rulemaking, and there is a cost for that procedure, estimated at approximately \$11,000 in the current Minnesota Rulemaking Manual 'Appendix cost-inf', which will be absorbed by OSS as the OSS regularly conducts rulemaking.

Computer development costs are charged at \$85/hour.

## **Expenditure and/or Revenue Formula**

### **Early Voting**

ED Business Analysis (520 hours)

OSS IT (350 hours)

QA (500 hours)

Total Hours: 1370 hours

1370 hours @ \$85/hour = \$116,450

### **Permanent Absentee Voting Opt-In**

ED Business Analysis (250 hours)

OSS IT (300 hours)

QA (250 hours)

Total Hours: 800 hours

800 hours @ \$85/hour = \$68,000

### **Rulemaking**

Cost of a noncontroversial/procedural rule amendment: \$10,750

(FY23) **\$195,200**

## **Long-Term Fiscal Considerations**

The creating of early voting tracking systems within SVRS, as well as a system for permanent absentee voting, will require future maintenance. Maintenance is usually forecast at up to 20% of the initial cost, for an estimated cost of \$36,890 in the first year of each subsequent biennium.

## **Local Fiscal Impact**

The early voting provisions of this bill will create some efficiencies at the local level because the process of early voting is more efficient than absentee voting. In-person absentee voting requires the use of an application and multiple envelopes, as well as the time needed to review the envelopes and enter the data from the application. However, there will be local costs accrued to counties and cities with the requirement that there be additional weekend voting hours prior to the election and additional evening hours. Finally, the requirement that there be one early voting location for every 50,000 people in the county will require some jurisdictions to open more early voting locations than they currently maintain in the form of absentee voting locations. These additional locations would have set up costs, equipment costs, and staffing costs.

The changes the bill makes to the permanent absentee voting list provision will create cost-saving efficiencies in the permanent absentee voting list system. Under current law, ahead of every election, the county must send an application to voters on the permanent absentee list, process those returned applications, and then send the voter an absentee ballot. The changes to this system would remove the costs associated with sending the application and the costs associated with processing the returned application.

## **References/Sources**

Julie Strother

651-201-1326

I have reviewed the content of this fiscal note and believe it is a reasonable estimate of the expenditures and revenues associated with this proposed legislation.

If Information Technology costs are included, my agency's Chief Information Officer has reviewed the estimate.

**Agency Contact:** Ann Lindstrom (651-335-0055)

**Agency Fiscal Note Coordinator Signature:** Juin Charnell

**Date:** 2/10/2022 4:36:04 PM

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Chief Author: **Liz Boldon**  
 Committee: **State Government Finance and Policy**  
 Date Completed: **2/10/2022 4:55:04 PM**  
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Dollars in Thousands	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Administrative Hearings</b>					
Total	-	-	-	-	-
Biennial Total			-	-	-

	Biennium		Biennium		
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Full Time Equivalent Positions (FTE)</b>					
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Joel Enders    **Date:** 2/10/2022 4:41:24 PM  
**Phone:** 651-284-6542    **Email:** joel.enders@lbo.mn.gov

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<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-	-	-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Administrative Hearings	-	-	11	-	-
<b>Total</b>	-	-	<b>11</b>	-	-
<b>Biennial Total</b>			<b>11</b>	-	-
<b>2 - Revenues, Transfers In*</b>					
Administrative Hearings	-	-	11	-	-
<b>Total</b>	-	-	<b>11</b>	-	-
<b>Biennial Total</b>			<b>11</b>	-	-

### Bill Description

HF3024 provides for the Secretary of State (SOS) to conduct an exempt rulemaking to adopt rules for early in-person voting for eligible voters in city elections which are not held in conjunction with federal, state, or county elections if the city has the technical capacity to access the statewide voter registration system.

### Assumptions

The Secretary of State assumes a program of this size will require one medium exempt rulemaking at \$133,376 in FY2023. Based on past practices, OAH assumes that a medium rulemaking under chapter 14 will require an estimated 50 hours of ALJ time for activity related to rulemaking procedures. Of the estimated rulemaking amount of \$133,376, \$10,750 is for the estimated 50 hours of ALJ time for a medium rulemaking.

### Expenditure and/or Revenue Formula

Estimated 50 hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 14, Early Voting; Applicability Rulemaking = 50 hours x \$215/hr = \$10,750 charged to the Secretary of State in FY2023 pursuant to the requirements of Minn. Stat. § 14.53.

### Long-Term Fiscal Considerations

The estimated costs associated with the rulemaking activities are a one-time occurrence.

### Local Fiscal Impact

### References/Sources

**Agency Contact:** Denise Collins

**Agency Fiscal Note Coordinator Signature:** Denise Collins

**Phone:** 651-3617875

**Date:** 2/8/2022 12:31:06 PM

**Email:** denise.collins@state.mn.us