

Subject State Government Finance and Elections Omnibus

Authors Nelson, M.

Analyst Matt Gehring

Date April 3, 2022

Table of Contents

Overview	1
Article 1: State Government Appropriations	1
Article 2: State Government Policy	2
Article 3: Campaign Finance and Elections	12
Article 4: Barbering and Cosmetology	21

Overview

This bill is the proposed State Government Finance and Elections supplemental budget bill. It includes supplemental appropriations to various constitutional offices, agencies, boards, and commissions subject to the jurisdiction of the State Government Finance and Elections Committee, as well as a series of policy articles on topics impacting that jurisdiction.

Article 1: State Government Appropriations

Section Description – Article 1: State Government Appropriations

- | | |
|------|---|
| 1 | State government appropriations.
Establishes the fiscal years used for purposes of the appropriations provided in this bill. |
| 2-13 | Appropriations.
Provides appropriations to the various constitutional offices, agencies, boards, and commissions subject to the jurisdiction of the State Government Finance and Elections Committee. Specific appropriation amounts are provided in the fiscal tracking spreadsheet. |

Section Description – Article 1: State Government Appropriations

- 14 **Help America Vote Act appropriations; state match requirement.**
Appropriates funds to the secretary of state from the federal Help America Vote Act (HAVA) account, along with a required state match (20 percent of the federal allocation), to reflect the 2022 allocation of HAVA dollars to Minnesota that was enacted by Congress earlier this year. The authorized uses of the money are specified in this section.

Article 2: State Government Policy

Section Description – Article 2: State Government Policy

- 1 **Grants; staff; space; equipment; contracts.**
Authorizes the director of the Legislative Coordinating Commission (LCC) to enter contracts to provide necessary services and supplies to the house of representatives, senate, and legislative commissions and joint legislative offices. Consultation with the chair and vice-chair of the LCC is required for contracts for professional or technical services valued at more than \$50,000.
- 2 **Collateral.**
Expands the types of collateral the Executive Council may accept for deposit with MMB.
- 3 **Juneteenth.**
Adjusts the date of the state observation of Juneteenth provided in current law so that it falls on June 19 of each year. Juneteenth is designated as an official state holiday on that date later in this article.
- 4 **Information and telecommunications technology systems and services.**
Defines the term “information and telecommunications technology systems and services.” The definition conforms to the term as defined in the statutes that govern the operation of MN.IT.
- 5 **Local government.**
Recodifies a definition of “local government.” as used in the state’s emergency management law.
- 6 **Cyber attack.**
Defines the term “cyber attack.” This term is used later in the bill related to the governor’s authority to exercise emergency powers to respond to an attack.
- 7 **Cooperation.**
Adds a reference to physical or electronic attacks on the state’s information and telecommunications technology infrastructure, systems, or services in the existing

Section Description – Article 2: State Government Policy

- law authorizing the governor to cooperate with other units of government or private agencies in matters pertaining to emergency management.
- 8 **Declaration of peacetime emergency.**
Authorizes the governor to declare a peacetime emergency, with all existing associated powers and duties provided in law, in response to a cyber attack.

This section also reorganizes existing language related to the declaration of a peacetime emergency.
- 9 **Reimbursement of other state.**
Adds references to the provision of aid to assist in the response to a physical or electronic attack on the state’s information and telecommunications technology infrastructure, systems, or services in the existing statute providing for reimbursements when the aid comes from the personnel of another state.
- 10 **Governor’s powers to provide fast emergency aid.**
Adds references to the safety of the state’s information and telecommunications technology infrastructure, systems, or services in the existing law authorizing the governor to enter contracts or incur other obligations necessary to respond to an emergency.
- 11 **Procedure when data is not accurate or complete.**
Updates and clarifies language related to the right of individuals to contest the accuracy or completeness of data about them that is held by a government entity. Among the changes are new requirements that data subjects be provided a notice of their right to appeal if a contest is denied, a deadline for submitting an appeal, and options for the commissioner to deny an appeal on its face.
- 12 **Opinion; when required.**
Eliminates a required fee that is otherwise charged when a person requests an advisory opinion from the commissioner of administration on questions related to the state’s Open Meeting Law. This section also extends the deadline for the commissioner to issue an opinion, and modifies the requirements for providing notice if an opinion will not be issued.
- 13 **Membership.**
Clarifies the statutory requirements for membership on the Legislative Salary Council so that they mirror the requirements as outlined in the Minnesota Constitution.
- 14 **Initial appointment; convening authority; first meeting in odd-numbered year.**
Updates now-obsolete language related to the initial appointment of members to the Legislative Salary Council, which was first established in 2017.

Section Description – Article 2: State Government Policy

- 15 **Terms.**
Updates now-obsolete language related to the initial appointment of members to the Legislative Salary Council, which was first established in 2017.
- 16 **Set rates.**
Requires the commissioner of management and budget to approve the rates an agency must pay to the statewide systems account for its services. Statewide systems funded by the account include the state accounting system, payroll system, human resources systems, procurement system, and related information access systems.
- 17 **Billing procedures.**
Eliminates a cap on billing for statewide systems services, eliminates the University of Minnesota from the scope of the billing requirements, and adds the legislative branch as an entity that may be billed for these services.
- 18 **Allotment and encumbrance.**
Authorizes an agency with a project funded by a building appropriation to allow a consultant to proceed with supplemental work on the project before the money is officially encumbered. This allowance exists in current law for the work of contractors on a building project.
- 19 **Definitions.**
Modifies an existing definition of the term “project” to specify certain types of work that are exempt from requirements related to the work of the state Designer Selection Board.

Work that is exempt includes demolition or decommissioning of state assets; hazardous materials abatement; repair and replacement of utility infrastructure, parking lots, and parking structures; security upgrades; building systems replacement or repair, including alterations to building interiors needed to accommodate the systems; and other asset preservation work not involving remodeling of occupied space.
- 20 **Agencies must request designer.**
Increases the cost threshold for projects requiring a designer to be selected using the Designer Selection Board process. Under current law, projects with an estimated cost greater than \$2 million or a planning project with estimated fees greater than \$200,000 must use this process. Those thresholds are increased to \$4 million and \$400,000, respectively.
- 21 **Higher education projects.**
Increases the cost threshold for projects requiring use of the Designer Selection Board for projects undertaken by the University of Minnesota and the Minnesota State Colleges and Universities. Under current law, projects with an estimated cost greater than \$2 million or a planning project with estimated fees greater than

Section Description – Article 2: State Government Policy

- \$200,000 must use this process. Those thresholds are increased to \$4 million and \$400,000, respectively.
- 22 **Rate of inflation.**
Establishes a process for inflationary adjustments to the cost thresholds related to use of the Designer Selection Board process, beginning in 2025 and every five years thereafter.
- 23 **Office of Collaboration and Dispute Resolution.**
Codifies the Office of Collaboration and Dispute Resolution as a statutory office within the Department of Administration. This work was transferred from the Bureau of Mediation Services to the Department of Administration by a governor’s reorganization order in 2019, but that order is not reflected in current law.
- 24 **Office of Enterprise Translation.**
Establishes an Office of Enterprise Translation within the Department of Administration. The office is required to provide various translation services to state agencies.
- 25 **Language access service account established.**
Establishes a language access service account in the special revenue fund for expenses incurred in providing language translation services.
- 26 **Grants administration.**
Establishes a default authorization for state agencies to retain up to five percent of grant appropriations for administrative costs associated with the grants.
- 27 **Emergency acquisition.**
Modifies the scope of the existing law authorizing emergency purchases to permit the commissioner of administration to approve purchases necessary for design and construction of any publicly owned structure, among other changes.
- 28 **Definitions.**
Updates a cross-reference to reflect the increase in the cost threshold related to use of the Designer Selection Board process.
- 29 **County and local cybersecurity grants.**
Authorizes MN.IT to provide grants to political subdivisions to support addressing cybersecurity risks and threats. The department may establish criteria for program priorities and standards of review.
- 30 **Precedence of merit principles and nondiscrimination.**
Amends and expands an existing subdivision of law which establishes a policy of the state to provide for equal employment opportunities, consistent with the Minnesota Human Rights Act, and a policy to take affirmative action to eliminate the

Section Description – Article 2: State Government Policy

underutilization of qualified members of protected groups in state civil service employment.

Among the changes are a new purpose of these policies, to support full and equal participation in the social and economic life of the state. This section also states a requirement that managers and supervisors be made aware of bias that can be present in the hiring process.

31 Accommodation fund.

Defines the “accommodation fund,” a term used later in the bill.

32 Americans with Disabilities Act.

Provides a definition and legal citation to the Americans with Disabilities Act (ADA).

33 Digital accessibility.

Defines “digital accessibility,” a term used later in the bill.

34 Reasonable accommodation.

Provides a cross-reference to the term “reasonable accommodation,” as defined in the Minnesota Human Rights Act.

35 Mission; efficiency.

Expands the mission of the Department of Management and Budget to include a duty to ensure that all technology utilized in state government is accessible, usable, and provided in a timely manner, consistent with existing state laws, and a duty to endeavor to use equitable and inclusive practices to attract and recruit protected class employees, actively eliminate discrimination against those employees, and ensure equal access to development and training, advancement, and promotional opportunities.

36 Administrative procedures.

Requires the commissioner of management and budget to use accessible digital formats when developing certain administrative procedures to be used in implementing laws governing employment in state government.

37 Reporting.

Requires the commissioner of management and budget to make a report that provides certain statistics on the employment of individuals in classified positions available online and in multiple accessible formats.

Section Description – Article 2: State Government Policy

- 38 **Recruitment.**
Requires the commissioner of management and budget to recruit for state employment, as an area of special emphasis, qualified individuals with disabilities. Technology and digital content related to these recruitment efforts must be accessible to people with disabilities.
- 39 **Application requirements.**
Expands the minimum requirements for posting and applications for state employment.
- 40 **Selection process accommodations.**
Requires the commissioner of management and budget, and appointing authorities, to provide reasonable accommodations to qualified applicants with disabilities, including use of the accommodation fund, during the selection process. The commissioner is required to ensure that agencies are aware of the accommodation fund and its function.
- 41 **Appointments.**
Adds a reference to representation of people with disabilities in an existing statute detailing the needs of employing agencies.
- 42 **700-hour on-the-job demonstration experience.**
Expands and clarifies requirements and procedures related to the opportunity for applicants to demonstrate their abilities through a 700-hour on-the-job experience, as opposed to demonstrating their abilities during the selection process. This opportunity is available to otherwise qualified applicants with a disability so severe that they are unable to demonstrate their skills and abilities in the standard competitive selection/interview process.
- 43 **Report and survey.**
Requires the commissioner of management and budget to collect and review statistics and issue an annual report on use of and recommendations for the 700-hour on-the-job experience opportunity.
- 44 **Payment required.**
Limits the application period for military differential pay to two years after completion of the qualifying service.
- 45 **Definitions.**
Modifies how salary differential pay is calculated.

Section Description – Article 2: State Government Policy

46 Statewide affirmative action program.

Expands requirements of the statewide affirmative action program. Among other changes, the commissioner of management and budget is required to designate a statewide ADA and disability employment director, and individual agency affirmative action plans, along with reports and progress, must be posted on the agency's public and internal websites within 30 days of being approved.

47 Agency affirmative action programs.

Expands requirements that an agency's affirmative action plan include sections related to disability recruitment, hiring, and advancement. Other changes are also provided.

48 Authority; purpose.

Requires the commissioner of management and budget to coordinate with the statewide ADA and disability employment director and the state's chief inclusion officer to provide trainings for employees that meet certain minimum standards, including building employee capacity to deliver accessible and inclusive public services, and to support an inclusive work environment for employees with disabilities and employees of other protected classes.

49 Responsibilities.

Requires state employees to receive annual training on the requirements of Title II of the Americans with Disabilities Act; the state's affirmative action policy; equal opportunity employment; and digital accessibility standards.

50 Programs.

Requires managers and supervisors in state government to receive training on inclusive work environments, disability awareness, cultural competence, and other equity and diversity areas. Agencies are additionally required to conduct an annual ADA self-assessment to ensure training programs meet the standards for universal design in learning.

51 Accessibility.

Requires the commissioner of management and budget to ensure that all training content and platforms meet the accessibility standards for technology as required by state law. Reasonable accommodations must be implemented in a timely and appropriate manner to ensure that all state employees can participate. This section further requires that all state employees have the training and resources necessary to implement an accessible and inclusive workplace.

Section Description – Article 2: State Government Policy

52 Cooperation; state agencies.

Requires the head of each executive branch state agency to designate an ADA coordinator. The ADA coordinator must be reportable directly to the commissioner of management and budget.

53 Supported work program.

Expands the scope and requirements of the supported work program to include all active positions in agencies of state government, and designating certain duties related to administration of the program, including annual training.

54 Americans with Disabilities Act coordinators.

Requires each state agency to designate at least one ADA coordinator, and specifies the duties and qualifications of the role.

55 Accrued interest on trust accounts of real estate brokers.

Changes the recipient of interest accruing on the trust accounts of real estate brokers from MMB to MHFA. Makes conforming changes regarding brokers' duties to inform financial institutions of this requirement and regarding financial institutions' duty to report overdrafts on these accounts.

56 Definition; qualifying government.

Expands the qualifying government entities that may invest in certain long-term equity investments to include counties and statutory or home rule charter cities that have a long-term, senior, general obligation rating by one or more national rating organizations of AA or higher.

Effective the day following final enactment.

57 Additional investment authority.

Makes a technical change to describe the conditions of index mutual fund investments for qualifying governments.

Effective the day following final enactment.

58 Self-insurance pools; additional investment authority.

Codifies a new section 118A.10 that authorizes municipal self-insurance pools to invest in the same investments authorized for investment by the Minnesota State Board of Investment and described under section 11A.24. Before investing, the municipal self-insurance pool must adopt an investment policy pursuant to a resolution that states that the risk of loss, the funds invested, and the investments themselves are understood.

Section Description – Article 2: State Government Policy

- Effective the day following final enactment.
- 59 **Membership.**
Expands the qualification criteria the governor must consider when making appointments to the Minnesota State Board of Trustees.
- 60 **Administration of federal act.**
Designates the Minnesota Historical Society, rather than the Department of Administration, as the state agency to administer provisions of federal law related to historical and archaeological data and updates a reference to those laws.
- 61 **Mediation; consultation.**
Updates provisions of law related to the work of the State Historic Preservation Office. Among the changes, a mediation task force that may be appointed by the governor to resolve certain types of disputes now may include an appointee who is an employee of the Minnesota Historical Society.
- 62 **Members.**
Updates the appointment terms and process for regional citizen appointments to the Mississippi River Parkway Commission, including extending the terms of citizen appointees to a four-year staggered term, rather than the current two-year term cycle.
- 63 **Damages; illegal molestation of human remains; burials; cemeteries; penalty; authentication.**
Provides a number of changes and updates to the law governing the treatment of human remains or burial sites found on nonfederal public or private lands or waters. Among them is a requirement that the state archaeologist and the Indian Affairs Council enter a memorandum of understanding regarding each entity's responsibilities under this section.
- 64 **Park closings: payment to the Minnesota manufactured home relocation trust fund.**
Changes the recipient of payments required from a manufactured home park owner when a manufactured home owner needs to move due to park conversion from MMB to MFHA. Changes the agency responsible for assessing fees on manufactured park owners to maintain the manufactured home relocation trust fund account from MMB to MHFA. Makes conforming changes regarding notice of the assessments and management of the payments.
- 65 **Park closings: change in use, relocation expenses; payments by park owner.**
Makes a conforming change regarding owner's agreements to make payments to MHFA rather than MMB of funds to be deposited in the Minnesota manufactured home relocation trust fund.

Section Description – Article 2: State Government Policy

- 66 **Park closings: reporting of licensed manufactured home parks.**
Changes the recipient of reports on manufactured home parks by the Department of Health and its delegates from MMB to MHFA.
- 67 **Native landscapes.**
Requires a statutory or home rule charter city to allow an owner, authorized agent, or authorized occupant of private property to install and maintain a managed natural landscape on the private property. A managed natural landscape may include plants and grasses that are more than eight inches tall that have gone to seed. Noxious weeds may not be included in the landscape.
- 68 **Holiday.**
Establishes Juneteenth as an official state holiday, recognized on June 19 of each year.
- 69 **Cancellation of debt related to military salary differential overpayments.**
Cancels debt held by service members who received salary differential overpayments in the past.
- 70 **Department of Iron Range Resources and Rehabilitation; separation and retention incentive program authorization.**
Authorizes the commissioner of Iron Range resources and rehabilitation to provide voluntary separation and retention incentive programs for employees of the department, paid for with mineral taxes. Dictates the incentives be consistent with ones the agency operated in 2010-2012, where incentives included post-separation medical insurance, cash incentives for purchasing additional years of service credit through the state retirement system, and similar benefits. Makes this section effective the day following final enactment.
- 71 **Office of small agencies study.**
Requires the commissioner of administration to conduct a study of the unique issues facing small agencies of state government. A report to the governor and the legislative committees with oversight over state government is due by February 1, 2023.
- 72 **State Emblems Redesign Commission.**
Establishes a commissioner to develop, design, and recommend to the legislature new designs for the official state flag and the official state seal. The existing flag and seal would be retired May 11, 2023.

Section Description – Article 2: State Government Policy

- 73 Legislative action; retirement of current official seal and flag.**
Establishes the intent of the legislature to hold necessary votes on the adoption of the State Emblems Redesign Commission’s recommended designs during the 2023 regular session.
- 74 Legislative Task Force on Aging.**
Establishes a Legislative Task Force on Aging. The task force is charged with reviewing state demographics and a number of other issues affecting healthy aging in the community, with a goal of examining whether the creation of a state Department on Aging is necessary. The specific areas of focus for the potential new department are listed in subdivision 1, and the scope of duties for this task force is listed in subdivision 2.

The task force is required to submit a report to the legislative committees with jurisdiction over health and human services finance and policy no later than May 30, 2026.
- 75 Advisory committee on service worker standards.**
Requires the commissioner of management and budget to convene an advisory committee to review and make recommendations regarding updates and clarifications to the service worker class specifications provided in law.
- 76 Revisor instruction.**
Directs the revisor of statutes, in consultation with House Research and Senate Counsel, Research, and Fiscal Analysis, to conduct a study of the Minnesota Statutes to determine compliance with the federal Equal Rights Amendment. The study must include preparation of a bill for the 2023 legislative session to correct any language found to be in conflict with the amendment.
- 77 Repealer.**
Repeals a series of sections related to provisions that appear earlier in this article: Critical IT infrastructure; the existing official state flag and official state seal; the Trustee Candidate Advisory Council; and The Office of Collaboration and Dispute Resolution

Article 3: Campaign Finance and Elections

This article includes a number of provisions related to campaign finance disclosures and the administration of absentee voting, including new standards related to the use of absentee ballot drop boxes, requirements when absentee ballot applications or sample ballots are mailed by private organizations, extension of the period during which absentee and mail ballots may

be opened and counted; new remedies to address intimidation or interference with the work of an election official; and a number of technical updates to the statutes.

Section Description – Article 3: Campaign Finance and Elections

1 Voting by program participant; absentee ballot.

Provides that a ballot and related voting materials for a participant in the Safe at Home address confidentiality program may be prepared and delivered by the secretary of state, based either on precinct information provided by a county auditor, or using information contained in the statewide voter registration system.

2 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.

3 Contributions during legislative session.

Expands the existing prohibition on campaign contributions during a legislative session, to prohibit, at any time of year, certain contributions by a registered lobbyist, political committee, political fund, or other association if in exchange for the contribution:

- 1) a registered lobbyist or other individual is granted special access to a meeting room, hospitality area, or other event space where public officials are likely to gather; and
- 2) the primary purpose of granting that access is to facilitate informal meetings or socialization with public officials during a regular or special session of the legislature.

A definition of “special access” is provided in the bill.

4 Election day registration.

Expands the types of residential facilities that must participate in providing information on residents to the county auditor to facilitate election day registration activities. The new types of facilities added to the law include residential treatment programs and adult foster care programs.

5 Form.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

Section Description – Article 3: Campaign Finance and Elections

6 Deficient registration.

Updates grammar and reorganizes a subdivision governing the conditions under which a voter registration application is considered deficient. A registration application would not be considered deficient for lack of an identification number if the voter was not issued a number and the information can be verified using another database associated with the applicant's name and date of birth.

7 School district assistance.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

8 Corrected list.

Shifts the deadline for the county auditor to prepare a final corrected master voter registration list for each precinct so that it is complete by 14 days prior to each election, rather than seven days prior.

9 Moved within state.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

10 Use of change of address system.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

11 Forms.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

12 Technology requirements.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

13 Eligible voters.

Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."

14 Utility worker.

Defines the term "utility worker" for purposes of the state's absentee voting laws. This definition is used in the following section, granting certain absentee voting rights to workers deployed during the voting period for an election.

15 Emergency response providers.

Authorizes trained or certified emergency response providers and utility workers to vote by absentee ballot, if deployed during the absentee voting period or on election day.

Section Description – Article 3: Campaign Finance and Elections

- 16 **Delivery of envelopes; directions.**
Updates terminology and references to more accurately reflect the types of envelopes used in the absentee voting process.
- 17 **Design of envelopes.**
Updates terminology and references to more accurately reflect the types of envelopes used in the absentee voting process, and the way they are processed.
- 18 **Eligibility certificate.**
Updates terminology to more accurately reflect the types of envelopes used in the absentee voting process.
- 19 **Location; timing.**
Reorganizes language related to the designation of in-person absentee ballot polling places. The requirements for these designations remain unchanged.
- 20 **Voting booth; electronic ballot marker.**
Reorganizes language related to the designation of in-person absentee ballot polling places. The requirements for these designations remain unchanged.
- 21 **Alternative procedure.**
Authorizes county auditors to make a ballot counter and ballot box available for use by voters to cast an in-person absentee ballot during the 14 days prior to an election, rather than seven days prior.
- 22 **Minimum security and integrity standards.**
Adds several new standards for security and integrity in the use of absentee ballot drop boxes. These new standards include requirements for a minimum number of locations based on the population of registered voters in the jurisdiction; distribution of locations to ensure equitable access by voters; provision of a drop box on a Tribal reservation when requested by the Tribe; and certain marking and identification requirements for each box.
- 23 **Ballot collection log and report.**
Requires the county auditor or municipal clerk to maintain a log for each drop box that includes information on the collection of ballots from the box, including the date and time of the collection, the person responsible for the collection, and the number of ballots collected.

Section Description – Article 3: Campaign Finance and Elections

- 24 **Generally.**
Permits local elections officials to engage in absentee voting activities in state veterans homes and in certain shelters for battered women, in the same manner as permitted in hospitals and other health care facilities.
- 25 **Duties of ballot board; absentee ballots.**
Conforms absentee ballot board procedures to reflect the newly-authorized possibility that a voter may have cast an in-person absentee ballot during the 14 days prior to an election, rather than during the seven days prior.
- 26 **Record of voting.**
Updates the deadline by which a voter who has an absentee ballot accepted may no longer cast another ballot at the election to 14 days before the election, to conform to the absentee voting procedures authorized in this bill.
- 27 **Opening of envelopes.**
Extends the period during which accepted absentee ballots may be opened and counted to include the 14 days prior to an election. Current law permits accepted absentee ballots to be opened and counted beginning seven days prior to an election.

Updates terminology to more accurately reflect the types of envelopes used in the absentee voting process.
- 28 **Indefinite residence outside United States.**
Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
- 29 **Form.**
Updates terminology and references to more accurately reflect the types of envelopes used in the absentee voting process, and the way they are processed.
- 30 **Back of signature envelope.**
Updates terminology to more accurately reflect the types of envelopes used in the absentee voting process.
- 31 **Duties.**
Updates terminology and references to more accurately reflect the types of envelopes used in the absentee voting process, and the way they are processed.
- 32 **Check of voter eligibility; proper execution of certificate.**
Updates terminology to more accurately reflect the types of envelopes used in the absentee voting process.

Section Description – Article 3: Campaign Finance and Elections

33 Postelection report to legislature.

Expands an existing requirement that the secretary of state report certain absentee ballot statistics to the legislature so that the report includes the number of absentee ballots returned, sorted by method of return (drop box, mail, in-person, and direct balloting).

34 State and local offices.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

35 Candidates in state and county general elections.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

36 Write-in candidates.

Conforms the deadline for a write-in candidate who wishes to have the candidate’s write-in votes counted to reflect the changes elsewhere in this bill; the request must be submitted no later than 14 days prior to the general election, rather than seven days prior.

37 Candidates for federal office.

Provides that the existing law establishing procedure for filling a vacancy in nomination for an office (for example, due to the death of a candidate prior to an election) do not apply to candidates for election to a federal office.

38 Authority; location.

Modifies standards for when a local government must adopt an ordinance or resolution designating a polling place for each precinct. Rather than requiring an ordinance or resolution every year, a local government would only be required to adopt an ordinance or resolution if a polling place has changed.

Additional conforming changes are included.

39 High school students.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

40 Appointing authority; powers and duties.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

41 Authorization.

Authorizes the option of mail balloting for all towns, and all cities with fewer than 400 registered voters, regardless of their geographic location in the state. Under current law, these towns and cities are only eligible if they are located outside of a metropolitan area county.

Section Description – Article 3: Campaign Finance and Elections

42 Procedure.

Extends the period during which accepted ballots cast in a jurisdiction that conducts an election entirely by mail can be opened and counted, to include the 14 days prior to an election. Current law permits these ballots to be opened and counted beginning seven days prior to an election.

This section also provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

43 Mail elections; questions.

Extends the period during which accepted ballots cast in a jurisdiction that conducts a special election entirely by mail can be opened and counted, to include the 14 days prior to an election. Current law permits these ballots to be opened and counted beginning seven days prior to an election.

This section also authorizes a mail election ballot to include both a question and candidates for office, if there are overlapping municipal and school district jurisdictions and one of those jurisdictions has a question on the ballot. Current law prohibits offices from appearing on the ballot at a mail-only special election conducted for the purpose of submitting a ballot question to the voters.

44 Physical assistance in marking ballots.

Eliminates the three-person limit on the number of voters a person can assist on election day. This limit was the subject of a consent decree and an order of the Minnesota Supreme Court in 2020.

45 State canvass.

Provides an explicit requirement that the State Canvassing Board declare the election of candidates for state and county office after the canvass is complete.

46 Special election when legislature will be in session.

Extends the period for conducting a special election to fill a vacant legislative seat by two weeks, in cases where an expedited process is required in order to allow the person elected to be seated quickly for a legislative session.

47 Notice of special election.

Conforming changes related to the extension of the period for conducting a special election to fill a vacant legislative seat by two weeks, in cases where an expedited process is required in order to allow the person elected to be seated quickly for a legislative session.

48 Time of filing.

Conforming changes related to the extension of the period for conducting a special election to fill a vacant legislative seat by two weeks, in cases where an expedited

Section Description – Article 3: Campaign Finance and Elections

- process is required in order to allow the person elected to be seated quickly for a legislative session.
- 49 **Nominating petitions; cities of the first class.**
Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
- 50 **School District Canvassing Board.**
Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
- 51 **Board elections.**
Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
- 52 **Conducting presidential nomination primary.**
Clarifies that voters voting under the Safe at Home address confidentiality program procedures must be permitted to cast a ballot using those procedures at the presidential nomination primary.
- 53 **Candidates on the ballot.**
Conforms the deadline for the chair of a major political party to request that votes be counted for a write-in candidate at the presidential nomination primary, to reflect the changes elsewhere in this bill; the request must be submitted no later than 14 days prior to the general election, rather than seven days prior.
- 54 **Notice filed with court.**
Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
- 55 **Independent expenditures.**
Requires the disclaimer on certain independent expenditures to list the top three contributors responsible for funding the expenditure. Standards for identifying the top three contributors are provided.
- 56 **Material that does not need a disclaimer.**
Eliminates a disclaimer exemption for certain online banner ads and electronic communications. These communications will require a disclaimer according to rules adopted by the Campaign Finance and Public Disclosure Board.
- 57 **Certain electronic communications and advertisements.**
Requires the Campaign Finance and Public Disclosure Board to adopt rules to specify the form and content of the required disclaimer for small electronic communications on which it is technologically impossible to clearly and conspicuously print the full

Section Description – Article 3: Campaign Finance and Elections

disclaimer. The board is authorized to use the expedited rulemaking process in establishing these standards.

58 Absentee ballot applications distributed by committees and private organizations.

Requires certain notices to be printed on a mailing sent by or on behalf of a committee or private organization that includes an absentee ballot application or a sample ballot.

59 Intimidation and interference related to the performance of duties by an election official; penalties.

Prohibits a series of activities that impact an election official’s performance of duties. These include intimidation of an election official; interfering with or hindering the administration of an election; dissemination of personal information about an election official; and obstructing access to a location where election duties are performed.

Violation of this section is a gross misdemeanor, and may also be subject to enforcement through a civil action. Liability also applies to a person who conspires to commit, or who assists in committing, a prohibited act.

The attorney general is authorized to bring a civil action to restrain a violation if there is a reasonable basis to believe that an individual or entity is, or intends to, violate this section. Specific details about the civil enforcement process, including available damages, are provided in the bill.

60 Soliciting near polling places.

Narrows the prohibition on campaigning near a polling place on election day so that it only applies during voting hours.

61 Administrative remedy; exhaustion.

Exempts the new section codified by this bill from the default enforcement mechanism for other violations of the Fair Campaign Practices Act. Instead of enforcement through the Office of Administrative Hearings, violations would be enforced by criminal prosecution or civil enforcement as detailed above.

62 Vacancies.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

63 Candidates; ballots; certifying election.

Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”

Article 4: Barbering and Cosmetology

This article contains a number of provisions related to barbering and cosmetology. In the area of barbering, the focus is on changes to the barber examination process and on requirements related to newly allowed mobile barber shops. In the area of cosmetology, the focus is on a new license for hair technicians.

Section Description – Article 4: Barbering and Cosmetology

- 1 Board of Barber Examiners.**
Strikes requirement that a union of journeymen barbers and a professional organization of barbers be represented on the Board of Barber Examiners.
- 2 Fees.**
Sets fees for registering a mobile barber shop. Allows examination providers to charge additional fees to applicants that are paid directly to the examination provider.
- 3 Registration mandatory.**
Makes technical changes to how the chapter is referenced and adds mobile barber shops as a location for registered barbers to provide barbering services.
- 4 What constitutes barbering.**
Clarifies that removing hair with wax is not barbering and that shaving the face or neck is only barbering if done with a straight razor or other tool. Makes a technical change to how the chapter is referenced.
- 5 Certificate of registration.**
Adds a reference to mobile barber shops and makes a technical change to how the chapter is referenced.
- 6 Designated registered barber.**
Adds a reference to mobile barber shops.
- 7 Mobile barber shop.**
Defines “mobile barber shop” to mean a vehicle or mobile structure exclusively used by a registered barber for providing barbering services in compliance with this chapter.
- 8 Straight razor.**
Defines “straight razor” as a rigid steel cutting or replaceable blade that is hinged to a case that doubles as a handle when in use.

Section Description – Article 4: Barbering and Cosmetology

9 Waxing.

Defines “waxing” as removing hair by applying and then peeling off wax.

10 Who may receive certificates of registration as a registered barber.

Modifies the qualification requirements for registering as a registered barber by requiring people to be at least 17 years of age, rather than completing ten grades of education. Makes technical changes and removes requirements related to failing the board’s examination.

11 [154.052] Mobile barber shops.

Creates requirements for mobile barber shops, including registration, services, location reporting, utilities, safety, inspection, infection control, and compliance with local law, such as:

- Requires mobile barber shops to be registered and to always be under direct supervision and management of a registered barber.
- Limits mobile barber shops to providing hair cutting and straight razor shave services inside the mobile barber shop.
- Stipulates there must be a functioning phone and permanent address for correspondence and service of process for the mobile barber shop.
- Requires display of the mobile barber shop’s name and registration number on the outside of the shop.
- Requires monthly submission of the scheduled locations and times of operation for the coming month, with any changes emailed to the board the week before the deviation from that schedule.

Stipulates the provision of adequate utilities to operate the mobile barber shop in a safe and sanitary way, in compliance with local laws.

12 Admission requirements; course of instruction.

Removes the requirement that barber schools have the educational prerequisite of ten grades of school or its equivalent.

13 Application; fee.

Modifies language to allow examinations to be done by a board-approved examination provider. Requires applicants to file an application with the board no later than the twentieth day of the month preceding the month when the practical portion of the exam is administered.

14 Examinations, conduct and scope.

Makes a variety of changes to the barber licensing exam:

Section Description – Article 4: Barbering and Cosmetology

- Requires exams be offered at least four times a year, rather than no more than six.
- Allows a board-approved provider to administer the exams.
- Removes additional education requirements for applicants who completed barber school more than four years before applying for the examination.
- Adds a requirement that individuals whose barber registration has lapsed for four years or more or those seeking reciprocity from another state must first purchase and complete the board-approved “Home Study Course for Barbers” before they are eligible to take the licensing exam.
- Specifies the components of the exam’s practical and written portions and how these will be graded.

Sets procedures for individuals who fail part or all of the examination and how they can retake the examination.

15 Examination of nonresidents.

Makes technical changes to how the chapter is referenced.

16 Examination of cosmetologists.

Allows cosmetologists in certain circumstances, such as having an active license, certificate of registration, or verified foreign credentials, to receive up to 1,000 hours of credit towards the 1,500 hours of barber school required for taking the barber examination if the board decides the curriculum requirements are equivalent.

17 Board of Cosmetologist Examiners created; terms.

Increases the membership of the Board of Cosmetologist Examiners from seven to nine members by adding one advanced practice esthetician and one hair technician. Makes a technical correction.

Effective date: This section is effective January 1, 2023.

18 Manager.

Includes hair technicians in the definition of who may be a manager and makes technical changes.

Effective date: This section is effective January 1, 2024.

Section Description – Article 4: Barbering and Cosmetology

- 19 Instructor.**
Modifies the licensing scheme so that a person with an active instructor license automatically continues to have an active operator or salon manager license in the same field, without additional fees.

Effective date: This section is effective January 1, 2024.
- 20 Practitioner.**
Amends the definition of “practitioner” to only people licensed as an operator or manager in one of a number of fields, now expanded to include advance practice esthology and hair technology services as well.

Effective date: This section is effective January 1, 2024.
- 21 Hair technician.**
Adds a definition of “hair technician” as someone who for compensation performs personal services for the cosmetic care of hair on the scalp, including cutting, dying, bleaching, and applying preparations to color or alter the structure of hair.

Effective date: This section is effective January 1, 2024.
- 22 Schedule.**
Removes temporary military license one-year fees for cosmetologists, nail technicians, estheticians, and advance practice estheticians.

Effective date: This section is effective January 1, 2024.
- 23 Licensing.**
Adds hair technicians to those who must be licensed.

Effective date: This section is effective January 1, 2024.
- 24 Temporary military license.**
Adds hair technicians to those who may have temporary licenses. Makes all temporary licenses under this section valid for a three-year license cycle, but limits individuals to applying for only one temporary license.

Effective date: This section is effective January 1, 2024.
- 25 Duration of license.**
Allows the board to extend a licensee’s operator or salon manager license when issuing a new instructor license to match the new expiration date.

Section Description – Article 4: Barbering and Cosmetology

Effective date: This section is effective January 1, 2024.

26 Nonresident licenses.

Adds hair and eyelash technicians to the nonresident licensing scheme.

Effective date: This section is effective January 1, 2024.

27 Reciprocity for barbers.

Adds a subdivision allowing registered barbers to be granted credit, as determined by rule, toward the required hours of study for a cosmetology or hair technology license.

Effective date: This section is effective January 1, 2024.

28 Continuing education requirements.

Adds hair technicians to the continuing education statute and removes obsolete language.

29 Licensing.

Removes superfluous language.

30 Standards.

Adds hair technicians, advanced practice estheticians, and eyelash technicians to the types of licenses the board shall establish educational prerequisites for.

Effective date: This section is effective January 1, 2024.

31 Applications.

Revises the description of the written materials required to be submitted to be licensed as a cosmetology school.

Effective date: This section is effective January 1, 2024.

32 Verification of application.

Outlines the authorized signatories for an application for licensure from schools in the Minnesota State Colleges and Universities system and secondary schools.

Effective date: This section is effective January 1, 2024.

33 Instruction requirements.

Revises where licensed schools may provide instruction to allow online classes for theory-based curriculum and educational off-site field trips.

Section Description – Article 4: Barbering and Cosmetology

- 34 **Board of Cosmetologist Examiners licensing working group.**
Establishes a working group to evaluate salon manager and school manager licenses, the scope and requirements of special event services and homebound services permits, and endorsement-based licensing structures and report back to the legislature by January 1, 2024.
- 35 **Revisor instruction.**
Changes “Board of Cosmetologist Examiners” to “Board of Cosmetology” throughout the statutes.
- 36 **Repealer.**
Repeals existing rules related to barber examinations.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155