

Chapter 31

2021 Regular Session

Subject State Government Finance and Elections Omnibus

Bill H.F. 1952

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Overview

This act is the 2021 regular session’s State Government Finance and Elections omnibus policy bill. It includes articles related to policy areas within the jurisdiction of the state government finance and elections committee, including general state government, information technology, elections, and campaign finance.

Article 1: State Government Policy

Section Description – Article 1: State Government Policy

- 1 State documents.**
Provides that the Legislative Reference Library is entitled to receive a copy of all documents published by the state, at no cost to the legislature or library.
- 2 Purpose.**
Authorizes the Legislative Coordinating Commission to coordinate the activities of not just the senate and house of representatives, but also the joint legislative commissions, committees, offices, and task forces.

Section Description – Article 1: State Government Policy

- 3 Staff; compensation.**
Provides a number of technical and administrative updates to the law governing the staffing structure of the Office of the Legislative Auditor (OLA), including replacement of obsolete terminology and references.
- 4 Special reviews.**
Provides statutory authorization for the legislative auditor to conduct a “special review.” Current law permits the OLA to conduct investigations; to date, the OLA’s special review process has been supported by this authority. This section would more clearly detail the type of work that may be conducted during a special review.
- 5 Audits of state and semistate agencies.**
Updates language and terminology regarding the legislative auditor’s authority to conduct financial audits of the activities of executive branch and judicial branch agencies and offices.
- 6 Audits of Department of Human Services.**
Eliminates certain mandates related to audits of the Department of Human Services. The requirement that the OLA give high priority to audits of human services programs, services, and benefits remains in place. Rather than a statutory requirement, this section would instead give the OLA discretion, within available resources, to make determinations about the scope of these audits.
- 7 Inquiry and inspection power; duty to aid legislative auditor.**
Updates terminology related to the legislative auditor’s authority to request inspection of an audit subject’s records and to require cooperation with the auditor’s requests.
- 8 Audit data.**
Updates terminology in the section of law providing data classifications for certain work products and data maintained by the OLA.
- 9 Additional revenues; priority.**
Eliminates a requirement directing a portion of any surplus funds at the end of a biennium to be transferred to the clean water fund, up to a total of \$22 million. That amount has now been transferred, and this requirement is obsolete.
- 10 Operation and maintenance of buildings.**
Updates references to state buildings that are subject to the property management jurisdiction of the commissioner of administration.

Section Description – Article 1: State Government Policy

11 Capitol flag program.

Establishes a program to provide a United States and Minnesota state flag that were flown over the State Capitol building to families of public safety officers killed in the line of duty and families of members of the military who died while in active service.

Subd. 1. Definitions. Defines terms used in this section.

Subd. 2. Establishment. Establishes a program to provide a United States and Minnesota state flag that was flown over the State Capitol building to families of public safety officers killed in the line of duty and families of members of the military who died while in active service.

Subd. 3. Submission of request; presentation. Authorizes flag requests to be made by legislators or state constitutional officers on behalf of eligible families. Flags shall be presented directly to a family by the official who submitted the request.

Subd. 4. Verification of eligibility. Requires officials and entities authorized to request flags to establish procedures for administering the program including verification of eligibility.

Subd. 5. Eligibility; fees. (a) For deaths that occur on or after August 1, 2021, there is no fee for the first of each type of flag requested. The commissioner may charge a reasonable fee for additional flags. The fee for additional flags may not exceed the commissioner's costs.

(b) For deaths that occur before August 1, 2021, the commissioner may charge a reasonable fee for flags unless there are sufficient funds donated to pay for the requested flags. The fee may not exceed the commissioner's costs.

12 Canine management.

Permits the commissioner of administration to transfer the state's ownership of a dog that is retired from service to the state to the handler that trained and worked with the dog while it was in service. All future expenses related to the retired dog would become the private responsibility of the handler.

13 Purpose of funds.

Eliminates references to the materials handling services and the state recycling center from the list of authorized uses of the general services revolving fund. This fund is supported by receipts billed to other agencies for a variety of administrative services, including central mail delivery and building maintenance.

Section Description – Article 1: State Government Policy

- 14 **Motor pools.**
Provides a definition of “passenger motor vehicle” in the law authorizing the commissioner of administration to manage a central fleet of vehicles for use by state agencies.
- 15 **Vehicles.**
Authorizes the commissioner of administration to permit the use of an unmarked state vehicle for the inmate community work crew program administered by the Department of Corrections.
- 16- 23 **State historic preservation.**
Updates a series of technical references related to state historic preservation. The legislature transferred the State Historic Preservation Office to the Minnesota Historical Society to the Department of Administration in 2017.
- 24 **Membership.**
Authorizes members of the Gambling Control Board to continue holding office until a successor is appointed, unless the member’s appointing authority notifies the board that a members’ appointment may not be extended.
- 25 **Revisor instruction.**
Requires the revisor of statutes to update terminology in the Minnesota Statutes to refer to the Department of Administration’s “enterprise fleet” of vehicles, rather than the “central motor pool.”
- 26 **Repealer.**
Repeals subdivisions of law related to the scope of the legislative auditor’s investigatory authority.

Article 2: Information Technology

Section Description – Article 2: Information Technology

- 1 **Departments of the state.**
Lists the “Department of Information Technology Services” as among the cabinet level “departments” of state government, consistent with the official name change for MN.IT provided in this act.

Section Description – Article 2: Information Technology

- 2 Minnesota Department of Information Technology Services.**
Provides necessary statutory amendments to rename the “Office of MN.IT Services” to the “Department of Information Technology Services.” This section also reorganizes and narrows the scope of the department’s duties to focus primarily on providing services to executive branch state agencies. Among these changes is the elimination of a \$1 million threshold for requiring the involvement of MN.IT in a state agency’s IT project.
- 3 Responsibility for information technology services and equipment.**
Provides conforming references to reflect the renaming and transition of MN.IT from an “office” to a “department.”
- 4 Minnesota Department of Information Technology Services; structure and personnel.**
Provides conforming references to reflect the renaming and transition of MN.IT from an “office” to a “department.”

This section also eliminates an authorization for the chief information officer to appoint a webmaster responsible for supervision and development of state websites. State websites are generally managed by staff within individual executive branch agencies.

The section also requires the chief information officer to consult regularly with all executive branch agencies, rather than a select group of agencies, on various IT projects and services.
- 5 Definitions.**
Eliminates a definition of “information and telecommunications technology project” from the state law. The discretion to define a “project” is given to the chief information officer in a change made earlier in the act.
- 6 Chief information officer’s responsibility.**
Eliminates references to political subdivisions in the section of law directing the duties of the state’s chief information officer. MN.IT does not have jurisdiction over the IT systems within political subdivisions.
- 7 Evaluation and approval.**
Authorizes the chief information officer to appoint a delegate to approve a proposed technology project.

This section also eliminates language requiring the commissioner of management and budget to cancel certain unencumbered funds for a project that is not approved.

Section Description – Article 2: Information Technology

8 System development methods.

Eliminates certain requirements related to the development of data processing systems and how those systems are defined.

9 Advisory council.

Renames the existing “Technology Advisory Committee” as the “Technology Advisory Council” and adds nine new appointees to its membership, including representatives of the legislature and representatives with private or public sector IT experience, or experience in academia on IT issues.

The restructuring of this council aligns with a recommendation of the Governor’s Blue Ribbon Council on IT Services.

10 Risk assessment and mitigation.

Eliminates a requirement that no more than ten percent of a proposed budget for a project may be spent until a risk assessment and risk mitigation plan are in place.

11 Required review and approval.

Restructures language regarding the method of encumbering appropriations for certain large IT projects.

12 Duties.

Provides conforming references to reflect the renaming and transition of MN.IT from an “office” to a “department.” This section also eliminates an existing statutory duty of MN.IT to coordinate certain statewide efforts by state and local governments to develop a system for access to government services.

13 Private entity services; fee authority.

Provides conforming references to reflect the renaming and transition of MN.IT from an “office” to a “department” and eliminates a reference to the obsolete E-Government Advisory Council.

14 Charges.

Provides conforming references to reflect the renaming and transition of MN.IT from an “office” to a “department.”

This section also recodifies existing language related to the authority of an agency to transfer certain unexpended operating balances to the information and telecommunications technology systems and services account for use toward specific IT projects.

Section Description – Article 2: Information Technology

- 15 **Compliance with federal law.**
Eliminates a cross-reference to a section that is repealed in this act.
- 16 **Revisor instruction.**
Directs the revisor of statutes to update MN.IT’s official name, wherever it appears in Minnesota Statutes.
- 17 **Repealer.**
Repeals a series of sections of statute that are obsolete, in conflict with changes made elsewhere in the act, or no longer accurately reflect the operating structure of MN.IT.

Article 3: Elections

Section Description – Article 3: Elections

- 1 **Military.**
Expands the definition of “military” for purposes of the state’s absentee voting laws (and participation in the UOCAVA military and oversees voting procedures) to include students at the nation’s official military academies.
- 2 **Application procedures.**
Conforms access to the list of persons applying for an absentee ballot to reflect the procedures for accessing the public voter registration list, including an authorization for a voter’s information to be withheld for safety reasons.
- 3 **Names of persons; rejected absentee ballots.**
Conforms access to the list of persons whose absentee ballot has not been accepted to reflect the procedures for accessing the public voter registration list, including an authorization for a voter’s information to be withheld for safety reasons.
- 4 **Duties of ballot board; absentee ballots.**
Updates terminology in the law governing the work of absentee ballot boards, to refer to the inspection of “signature envelopes” rather than “return envelopes” to determine whether an absentee ballot should be accepted.
- 5 **Record of voting.**
Provides a conforming update to a deadline for a voter to override their absentee ballot, to reflect the extension of the period during which absentee ballots can be counted before an election. That extension is established later in this act.

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6 Opening of envelopes.

Updates terminology in the law governing the work of absentee ballot boards when opening accepted ballot envelopes, to distinguish between “secrecy envelopes” and “signature envelopes.”

This section also authorizes accepted absentee ballots to be opened and counted beginning the 14th day before an election, rather than beginning on the 7th day before the election as provided in current law.

7 Check of voter eligibility; proper execution of certificate.

For Uniformed and Overseas Citizens Absentee Voters (UOCAVA), requires that the voter’s address (in addition to their name) appears in substantially the same form on their ballot return envelope as it does in the application records provided by the voter to the county auditor.

8 Write-in candidates.

Modifies standards for counting write-in candidates seeking election jointly with another candidate (governor and lieutenant governor, or president and vice president of the United States).

This section also includes a conforming reference to the deadline for a write-in candidate to request that the candidate’s votes be counted, to reflect the extension of the period during which absentee ballots can be opened and counted.

9 Candidates and offices.

Requires the inclusion of a space for write-in votes on ballots for a special election.

10 Elections; organized town.

Requires the town clerk to notify the secretary of state if the town will open its polling places later than 7:00 a.m. for a state primary, special, or general election. The authority to open later under certain conditions is provided in existing law.

11 Elections; unorganized territory.

Requires registered voters in an unorganized territory to present a petition for shorter polling place hours to the secretary of state, in addition to the current requirement that the petition be presented to the county auditor.

12 Method.

Authorizes election judges to presume that unopened, prepackaged ballots contain the number of ballots indicated by the package. These counts are used to verify the number of blank ballots remaining in a precinct at the end of an election.

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- 13 Delivery of returns to county auditors.**
Reduces the number of precinct summary statements that must be delivered to the county auditor from each precinct after an election from two to one.
- 14 Publicly funded recounts.**
Modifies the time period during which a candidate may request a publicly funded recount. The request may not be filed before the canvass of the election results is complete.
- 15 State partisan primary ballot; party columns.**
Specifies the order in which offices must appear on the ballot in the event there is a special primary election held on the same day as the regular state primary election.
- 16 Order of offices.**
Specifies the order in which offices must appear on the ballot in the event there is a special election held on the same day as the regular state general election.
- 17– 20 Special election timeline; legislative vacancies.**
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.

A reorganization of language related to elections held immediately preceding or after a holiday, including an extension of these requirements to cover special primary elections, is also included.
- 21 Canvass; special primary; State Canvassing Board; contest.**
Provides a deadline for contesting a special primary election for a state legislative office.
- 22 Filing by candidates.**
Requires candidates filing for a special election to fill a vacant United States Senate seat to specify the term that the candidate seeks, if both of the state’s United States Senate seats will be on the same ballot at the election.
- 23 United States senator; candidates; designation of term.**
Provides ballot formatting requirements when both of the state’s United States Senate seats are on the same ballot at an election.
- 24 Contracts required.**
Eliminates an obsolete cross-reference to a law that was repealed in 2010.

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25- 26 Standard of acceptable performance by voting system.

Reduces the threshold for conducting additional postelection reviews of a voting system. Under current law, a voting system review is expected to show variation of no more than one-half of one percent compared to a manual count of the offices subject to review. These sections provide for a step up variation allowance of between two and five votes, depending on the number of votes cast in the precinct, before additional reviews would be required.

27 Ballots.

Standardizes the ballot title used in elections when both municipal and school district candidates or questions appear on a ballot, regardless of whether the election is conducted in an odd- or even-numbered year.

28 Form of ballots; candidates on ballot.

Limits certain duties of political parties at a presidential nomination primary to only apply to those parties actually participating in the primary.

29 Notice of primary to public.

Eliminates a reference to the public accessibility of a voter's party choice at a presidential nomination primary, in a required notice related to the primary. Following other changes to the law, the data is no longer handled in the way described in the notice.

30 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."

31 Requirement, fee.

Extends an existing requirement that a person elected to a town office take the oath within ten days after receiving a certificate of election or appointment to include those elected at a special election.

32 Vacancy.

Provides that the general laws governing the conduct of elections apply to special elections to fill a vacant city council seat, as far as practicable.

Article 4: Campaign Finance

Section Description – Article 4: Campaign Finance

- 1 Approved expenditure.**
Adds references to local candidates to the definition of “approved expenditure,” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 2 Ballot question.**
Adds references to reflect the addition of certain ballot questions in Hennepin County to the jurisdiction of the Campaign Finance and Public Disclosure Board.
- 3 Campaign expenditure.**
Adds references to local candidates to the definition of “campaign expenditure” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 4 Local candidate.**
Adds a definition of “local candidate” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 5 Contribution.**
Adds references to local candidates to the definition of “contribution” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 6 Expressly advocating.**
Adds references to local candidates to the definition of “expressly advocating,” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include certain campaigns for offices within Hennepin County.
- 7 General treasury money.**
Adds references to local candidates to the definition of “general treasury money” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include certain campaigns for offices within Hennepin County.
- 8 Independent expenditure.**
Adds references to local candidates to the definition of “independent expenditure” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

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9 Loan.

Adds references to local candidates to the definition of “loan” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

10 Noncampaign disbursement.

Authorizes costs paid by a candidate’s principal campaign committee for certain security-related expenses to be reported as “noncampaign disbursements” on the committee’s campaign finance reports. The payment that may be reported must be no more than \$3,000 during the period starting January 1 of the year following a general election through December 31 of the year of a general election.

A “noncampaign disbursement” is an expenditure of campaign money that must be reported to the Campaign Finance and Public Disclosure Board, but does not count against the limits on a candidate’s spending.

11 Political committee.

Adds references to local candidates to the definition of “political committee” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

12 Political fund.

Adds references to local candidates to the definition of “political fund” to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include certain campaigns for offices within Hennepin County.

13 Public official.

Adds the chancellor and members of the Board of Trustees of the Minnesota State Colleges and Universities to the list of designated “public officials” for purposes of public disclosure laws. Among other things, public officials are required to file statements of economic interest with the Campaign Finance and Public Disclosure Board, and subjects them to the state’s conflict of interest and gift laws.

14 Time for filing.

Provides a technical update to phrasing in the section of statute that provides a deadline for filing a statement of economic interest.

15 Notice to board.

Eliminates a reference to local officials, in the section of statute governing a notice required to be given to the Campaign Finance and Public Disclosure Board when an official is required to file a statement of economic interest.

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- 16 **Form; general requirements.**
Along with a later section in the act, reorganizes language related to the period of time required to be included on a statement of economic interest.
- 17 **Original statement; reporting period.**
Along with the prior section, recodifies language related to the period of time required to be reported on a statement of economic interest.
- 18 **Annual statement.**
Updates language related to the annual statement of economic interest, including an increase in the threshold for requiring a report on an honorarium from \$50 to \$250.
- 19 **When required for contributions and approved expenditures.**
Adds references to local candidates into the law governing political fund organizational requirements, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 20 **Commingling prohibited.**
Adds references to local candidates into the law governing political fund organizational requirements, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 21 **Penalty.**
Adds references to local candidates into the law that provides penalties for independent expenditure political committees and funds in the event they violate the law, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 22 **Accounts; penalty.**
Adds references to local candidates into the law governing the accounts that must be kept by political committees, political funds, principal campaign committees, and party units, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.
- 23 **Alternate contact information; form.**
Authorizes a candidate, a treasurer, or chair of an entity regulated by the Campaign Finance and Public Disclosure Board to file a form identifying alternate contact information to be used to contact the filer for purposes of administering the state’s campaign finance laws.

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24 Independent expenditures.

Adds references to local candidates into the law governing disclosure of independent expenditures, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

25 Local election reports.

Establishes a reporting schedule for campaign expenditures related to local candidates and local ballot questions (“local” is defined earlier in the act to include only certain entities in Hennepin County).

26 Contents of report.

Adds references to local candidates into the law governing the content of required campaign finance reports, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

27 Statement of independence.

Adds references to local candidates into the law governing the certification that an independent expenditure was made independently, to reflect the expansion of the Campaign Finance and Public Disclosure Board’s jurisdiction to include campaigns for certain offices within Hennepin County.

28 Third-party reimbursement.

Updates paragraph references to a section governing the itemization of certain reimbursements to third parties in a campaign finance report.

29 Unregistered association limit; penalty.

Provides an allowance for certain statements required when a political committee, political fund, principal campaign committee, or party unit accepts a contribution of more than \$200 from an association not registered with the Campaign Finance Board. Under current law, a written statement is required. This section recognizes that the statement may be written, or may appear on a government website where a disclosure report for the association may be already viewable.

This section also exempts certain in-kind contributions from a federal political party from the requirement that a statement be filed.

30 Exceptions.

Updates the types of electronic communications that are exempt from being reported against a candidate’s spending limit, when the expenditure is made on behalf of three or more candidates on the ballot. The updates reflect modern forms

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of communications technology: voice mails, text messages, multimedia messages, internet chat, and email.

31 Affidavit of contributions.

Updates a statutory cross-reference in the existing law governing the deadline for submitting an affidavit of contributions before a primary election.

32 Campaign financing; disclosure of economic interests.

Amends existing statutes specific to Hennepin County which currently regulate campaign finance reporting by local candidates and entities within the county. The changes conform to the changes made earlier in this act, and clarify which types of candidates are subject to oversight by the Campaign Finance and Public Disclosure Board, and which types of candidates must continue to file campaign reports and economic interest statements with a local filing officer.

33 Repealer.

Repeals sections of existing statute providing campaign finance reporting obligations when members of the Board of Directors of Enterprise Minnesota, Inc. or its personnel make contributions to a public official or other regulated entities under chapter 10A.

This section also repeals a series of statutes specific to campaign oversight and reporting for local candidates within Hennepin County. The reporting obligations repealed in these sections are instead replaced by the system of reporting established in this act.



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