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HF 3429

4th Engrossment - 91st Legislature (2019 - 2020) Posted on 05/13/2020 12:41pm

KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

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A bill for an act

relating to elections; providing special procedures for the safe and secure conduct of the 2020 state primary and state general elections; appropriating money for various election-related purposes, including administration, security, accessibility, training, public health and safety, and public outreach; authorizing local grants; requiring a report; transferring and appropriating money for purposes of the Help America Vote Act, the federal CARES Act, and the federal Consolidated Appropriations Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **SAFE AND SECURE CONDUCT OF 2020 STATE PRIMARY AND STATE GENERAL ELECTIONS; SPECIAL PROCEDURES.**

Subdivision 1. **Application; definition.** (a) This section applies only to the state primary and state general elections conducted in 2020.

(b) As used in this section, "the Minnesota Election Law" has the meaning given in Minnesota Statutes, section 200.01.

Subd. 2. **Local authority.** (a) Notwithstanding any provision of the Minnesota Election Law to the contrary, a county or municipality, by ordinance or resolution of its governing body, may:

(1) designate polling places after the deadline required by Minnesota Statutes, section 204B.16, subdivision 1, but no later than July 1, 2020;

(2) train and designate employees of a health care facility or hospital to administer the absentee voting process to temporary or permanent residents or patients in those facilities under Minnesota Statutes, section 203B.11; and

(3) extend the period during which absentee ballots are processed, to include no more than two days following the date of the election, along with any corresponding delay of the local canvassing dates necessary to accommodate the extension. This clause does not authorize a county or municipality to extend the deadlines for the timely receipt of absentee ballots as provided in Minnesota Statutes, section 203B.08. A county must report to the secretary of state the number of absentee ballots remaining to be counted after the 24-hour period prescribed in Minnesota Statutes, section 203B.121, subdivision 5, paragraph (c). The report must be made as soon as practicable, but not more than four hours after that period ends. The secretary of state must publish these data on the secretary's website as soon as practicable, but not more than 24 hours after its receipt.

(b) A governing body of a municipality or county must only use a school as a polling place when no other public or private location is reasonably available for use as a polling place. If a municipality or county has designated a school as a polling place, the municipality or county must work with school staff to ensure that contact between students and voters is minimized. For purposes of this paragraph, a school is any public or private school, college, or university.

(c) Nothing in this subdivision prohibits a local election official from responding to the outbreak of the infectious disease known as COVID-19 by exercising powers granted by the Minnesota Election Law to address emergency situations that prevent the safe, secure, and full operation of a polling place on election day.

Subd. 3. **Processing of absentee ballots prior to election.** Notwithstanding Minnesota Statutes, section 203B.121, subdivisions 3 and 4, the county auditor or municipal clerk, and the applicable ballot board, must begin processing absentee ballots 14 days prior to the date of the election. After the close of business on the 14th day before the election, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election.

Subd. 4. **Electronic candidate filings.** (a) Notwithstanding Minnesota Statutes, section 325L.18, paragraph (a), or any provision of the Minnesota Election Law to the contrary, a filing officer must accept electronic mail, facsimile, or other electronic submissions of any of the following:

(1) an affidavit of candidacy under Minnesota Statutes, section 204B.06, including any applicable filing fees;

(2) a nominating petition under Minnesota Statutes, section 204B.07 or 204B.08, including petition signatures collected electronically; and

(3) a request that a write-in candidate's votes be counted, consistent with Minnesota Statutes, section 204B.09, subdivision 3, or other applicable law.

(b) Except as provided in paragraph (a), this subdivision does not waive any other requirements provided in law or rule related to the format, content, or submission of an affidavit, petition, or request.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **NOMINATION OF 2020 PRESIDENTIAL ELECTORS AND ALTERNATES.**

Notwithstanding Minnesota Statutes, section 208.03, the chairs of each major political party may submit the names of presidential electors and alternates nominated to be elected at the 2020 state general election no fewer than 67 days prior to the date of the election.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. **HELP AMERICA VOTE ACT APPROPRIATIONS AND TRANSFER; FEDERAL CONSOLIDATED APPROPRIATIONS ACT.**

Subdivision 1. **Federal funds appropriation.** $7,389,506 in fiscal year 2020 is appropriated from the Help America Vote Act (HAVA) account established in Minnesota Statutes, section 5.30, to the secretary of state for the purposes authorized by subdivision 4.

Subd. 2. **State match transfer and appropriation.** $1,477,901 in fiscal year 2020 is transferred from the general fund to the Help America Vote Act account established in Minnesota Statutes, section 5.30, and is appropriated to the secretary of state for the purposes authorized in subdivision 4.

Subd. 3. **Accrued interest appropriated.** Any interest earned on the amounts appropriated under subdivisions 1 and 2 is appropriated from the HAVA account to the secretary of state for the purposes authorized in subdivision 4.

Subd. 4. **Authorized uses.** Amounts appropriated by this section are subject to the federal Consolidated Appropriations Act, 2020, Public Law 116-93, Title V, and may be used for any of the following purposes:

(1) modernizing, securing, and updating the statewide voter registration system and for cybersecurity upgrades as authorized by federal law;

(2) improving accessibility;

(3) preparing training materials and training local election officials;

(4) implementing security improvements for election systems;

(5) funding other activities to improve the security of elections; and

(6) any activities authorized by section 4, subdivision 4.

Subd. 5. **Further uses prohibited.** Use of funds appropriated by this section for any purpose not authorized by the federal Consolidated Appropriations Act, 2020, as further restricted by subdivision 4, is prohibited. The secretary of state, and any political subdivision receiving a grant, must cooperate with any audits related to the use of these funds conducted by the United States Election Assistance Commission, Office of the Inspector General.

Subd. 6. **Availability of appropriations.** The appropriations provided in this section are onetime and available until December 21, 2024.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **HELP AMERICA VOTE ACT APPROPRIATION AND TRANSFER; FEDERAL CARES ACT.**

Subdivision 1. **Federal funds appropriation.** $6,930,610 in fiscal year 2020 is appropriated from the Help America Vote Act (HAVA) account established in Minnesota Statutes, section 5.30, to the secretary of state for the purposes authorized by subdivision 4.

Subd. 2. **State match transfer and appropriation.** (a) $1,386,122 in fiscal year 2021 is transferred from the general fund to the HAVA account and is appropriated to the secretary of state for the purposes authorized by subdivision 4 if, as of July 1, 2020, a state match is required to secure the amount made available to the state under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136.

(b) If, as of July 1, 2020, a state match is not required to secure the amount made available to the state under the federal CARES Act, the transfer and appropriation provided by paragraph (a) must not be made. If the requirement of a state match is waived after July 1, 2020, any unspent amounts are canceled to the general fund.

Subd. 3. **Accrued interest appropriated.** Any interest earned on the amounts appropriated under subdivisions 1 and 2 is appropriated from the HAVA account to the secretary of state for the purposes authorized in subdivision 4.

Subd. 4. **Authorized uses.** Amounts appropriated in this section are subject to the requirements of the federal CARES Act and may be used for any of the following purposes:

(1) ensuring the health and safety of election officials and in-person voters, including the purchase of sanitation and disinfectant supplies;

(2) public outreach and preparations for implementing social distancing guidelines related to voting, including additional signs and staff;

(3) facilitation, support, and preparation for increased absentee voting, including voter education materials, printing, and postage;

(4) preparation of training materials and administration of additional training of local election officials;

(5) preparation of new polling place locations;

(6) purchasing an electronic roster system meeting the technology requirements of Minnesota Statutes, section 201.225, subdivision 2, along with equipment necessary to support the system; and

(7) issuing grants authorized by the local grant program established in subdivision 6, and administering that program.

Subd. 5. **Further uses prohibited.** Use of funds appropriated by this section for any purpose not authorized by the federal CARES Act, as further restricted by subdivision 4, is prohibited. The secretary of state, and any political subdivision receiving a grant, must cooperate with any audits related to the use of these funds conducted by the United States Election Assistance Commission, Office of the Inspector General.

Subd. 6. **Local grants.** (a) The secretary of state must administer grants to political subdivisions to support the activities authorized in subdivision 4. The secretary may make a grant only after receiving an application from the county auditor or municipal clerk responsible for administering the election within that political subdivision. The application must contain the following information:

(1) the date the application is submitted;

(2) the name of the political subdivision requesting the grant;

(3) the name and title of the individual who prepared the application;

(4) a description of the purpose of the grant request;

(5) the political subdivision's anticipated cost for efforts to prevent, prepare for, and respond to the outbreak of the infectious disease known as COVID-19 at the 2020 state primary and state general elections;

(6) the total number of registered voters, as of the date of the application, in each precinct within the political subdivision;

(7) the total amount of the grant requested;

(8) a certified statement by the official responsible for the application that the grant will be used only for purposes authorized in subdivision 4; and

(9) any other information required by the secretary of state.

(b) A political subdivision is eligible to receive a grant of no more than 75 percent of the total cost of purchasing an electronic roster system and necessary support equipment and no more than 80 percent of the total cost of any other activities authorized under subdivision 4.

(c) The secretary of state must establish a deadline for receipt of grant applications, a procedure for awarding and distributing grants consistent with this subdivision, and a process for verifying the proper use of the grants after distribution. In evaluating an application, the secretary of state must consider only the information set forth in the application and is not subject to Minnesota Statutes, chapter 14. If the secretary of state determines that the application has been fully and properly completed, and there is a sufficient balance available to fund the grant, either in whole or in part, the secretary of state may approve the application.

(d) No later than January 15, 2021, the secretary of state must submit a report to the legislative committees with jurisdiction over elections policy and state government finance on the use of funds appropriated by this section. The report must detail the state's use of the funds and identify each jurisdiction receiving a grant and the amount of each grant awarded.

Subd. 7. **Availability of appropriations.** The appropriations provided in this section are onetime and available until March 27, 2022.

EFFECTIVE DATE. This section is effective the day following final enactment.