

H.F. 1952 – State Government and Elections Policy (Minnesota Laws 2021, Chapter 31)

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ARTICLE 1 STATE GOVERNMENT OPERATIONS POLICY

Section 1 [State documents; 3.302, subd. 3] specifies that the Legislative Reference Library receives documents published by the state at no cost to the library.

Section 2 [Purpose; 3.303, subd. 1] specifies that a purpose of the Legislative Coordinating Commission is to coordinate joint legislative commissions, committees, offices, and task forces.

Section 3 [Staff; compensation; 3.971, subd. 2] precludes an employee of the legislative auditor from being a candidate for a partisan elected public office. Specifies that the legislative auditor serves in the unclassified civil service. Updates the job title for administrative support specialist and removes references to the fiscal oversight officer.

Section 4 [Special review; 3.971, subd. 8a] authorizes the legislative auditor to conduct a special review to: (1) fulfill a legal requirement; (2) investigate allegations that someone subject to OLA audit may not have complied with certain legal requirements; (3) respond to a legislative request for a review of an organization or program subject to audit by the legislative auditor; or (4) investigate allegations that an employee has not complied with the code of ethics for employees in the executive branch or has committed a violation of certain other statutes governing the conduct of executive branch employees.

Section 5 [Audits of state and semistate agencies; 3.972, subd. 2] modifies requirements for the legislative auditor to conduct audits of financial activities. Makes the requirement subject to availability of resources. Clarifies the entities for which the legislative auditor must conduct financial audits: (1) the departments, offices, and other organizations in the executive branch; (2) courts, offices, and other organizations in the judicial branch; and (3) public boards, associations, societies and other public organizations created by state law or supported, wholly or in part, by state funds. Eliminates requirement that the legislative auditor visit each state department or agency without previous notice once a year to take certain investigatory actions. Makes other technical and

clarifying changes.

Section 6 [Audits of Department of Human Services; 3.972, subd. 2a] modifies a requirement that the legislative auditor perform certain audits of the department of human services, so that the audits are only required when resources of the OLA permit. Reworks the description of the audit work the legislative auditor is to perform. Under current law, the OLA is required to determine whether the department offered programs, services, and benefits only to eligible organizations and complied with applicable legal requirements. This is replaced with a duty to track and assess expenditures throughout the human service delivery system, from the department to the point of service delivery, as well as determining whether the human services programs, services, and benefits are being provided cost-effectively and only to eligible people and organizations in compliance with applicable laws. Eliminates a requirement that the auditor conduct an assessment of risk by evaluating a sample three times a year of people enrolled in a Medical assistance program or MinnesotaCare and determining the eligibility of people in the sample, and that the auditor report the results to the legislature. Eliminates a requirement for the legislative auditor to monitor corrective actions and report to the legislature.

Section 7 [Inquiry and inspection power; duty to aid legislative auditor; 3.978, subd. 2] allows the legislative auditor access to records and property for inspection on request. Under current law this is allowed as the auditor “may need.” Replaces “aid” with “cooperate with” for a requirement on parties subject to the auditor’s examination. Eliminates a qualifier that the cooperation be required with the auditor “in the performance of duties.”

Section 8 [Audit data; 3.979, subd. 3] modifies the definition of audit as relates to data practices requirements to more clearly identify the types of audits conducted by the legislative auditor. Clarifies the data that is private when it contains identifying information.

Section 9 [Additional revenue; priority; 16A.152, subd. 2] deletes an obsolete permitted use of a positive forecasted general fund balance, because it is obsolete.

Section 10 [Operation and maintenance of buildings; 16B.24, subd. 1] modifies the list of buildings the commissioner of administration is responsible to maintain and operate. Deletes the Department of Health building in Minneapolis and the 321 Grove Street Buildings and adds 603 Pine Street in St. Paul, Fleet Surplus Services building in Arden Hills, and the Ely Revenue building.

Section 11 [Capitol flag program; 16B.276]

Subdivision 1 defines the following terms for purposes of the Capitol flag program: “active service,” “eligible family member,” “killed in the line of duty,” and “public safety officer.”

Subdivision 2 establishes the Capitol flag program in the Department of Administration, which provides Minnesota and American flags that were flown over the Minnesota State Capitol to families of public safety officers killed in the line of duty or members of the armed forces who died while in active service. In addition to any appropriations, Minnesota Management and Budget (MMB) may receive gifts to support the program, and the program will operate to the extent that sufficient funds are available.

Subdivision 3 provides that a request may only be made by a legislator or state constitutional officer on behalf of an eligible family to the Commissioner of Administration.

Subdivision 4 requires the legislative bodies and constitutional officers to adopt procedures for the administration of flag requests, including verifying eligibility.

Subdivision 5 allows for the distribution of flags for deaths that occurred prior to the effective date of this section for a fee unless donated funds are available. For deaths on or after August 1, 2021, flags are provided to eligible families free of charge.

This section is effective August 1, 2021.

Section 12 [Canine management; 16B.2975] authorizes the commissioner of administration to convey title to retired state-owned service dogs to their handlers. The handlers are responsible for costs after the transfer.

Section 13 [Purpose of funds; 16B.48, subd. 2] eliminates two of the obsolete purposes (operating a materials handling service and operating a state recycling center) for which the commissioner of administration is authorized to use money appropriated to the commissioner from the general services revolving fund.

Section 14 [Motor pools; 16B.54, subd. 1] defines “passenger motor vehicle” to mean “on-road vehicle capable of transporting people” in the statute requiring the commissioner of administration to operate a motor pool of passenger motor vehicles for state agencies.

Section 15 [Vehicles; 16B.54, subd. 2] allows for state vehicles provided to the Department of Corrections inmate community work crew program to not be marked with the state vehicle uniform marking.

Section 16 [Department of Administration as agency to accept federal funds; 138.081, subd. 1] is a technical correction.

Section 17 [Commissioner’s responsibilities; 138.081, subd. 2] makes the commissioner of administration the state historic preservation officer. In 2017, when preservation duties were moved from the Historical Society to the department of administration, the role of the state historic preservation officer, filled by the director of the State Historical Society, was deleted. This section restores that role and assigns it to the commissioner of administration. Corrects a cross reference to the federal law for the federal historic preservation program.

Section 18 [State Historic Preservation Office; 138.31, subd. 13a] defines the State Historic Preservation Office (SHPO).

Section 19 [Administration of the Act; 138.34] notes that the state archaeologist shares enforcement duties with SHPO, as well as with the Historical Society.

Section 20 [Cooperation of state agencies; 138.40] adds SHPO to the list of entities that agencies must cooperate with to designate and preserve historic sites and historic places. Changes the person to whom violations of preservation statutes are to be reported, from the director of the Historical Society to the state archaeologist. Changes the entity from the Historical Society to SHPO to whom construction and development plans must be submitted for projects on known or expected significant archaeological or historic sites. (Under current law, these plans must also be submitted to the state archaeologist and that is not changed.)

Section 21 [Cooperation; 138.666] adds the State Historic Preservation Office to the list of entities that agencies must cooperate with in safeguarding state historic sites and in the preservation of historic and archeological properties.

Section 22 [Historic properties; changes; 138.667] makes the State Historic Preservation Office (SHPO) responsible, as the Historical Society is, to notify the legislature of the need for changes to properties designated as historic sites or places. Changes the entity from the Historical Society to

SHPO that is responsible for standards for documentation of the significance of properties proposed for designation. Makes SHPO responsible for providing an opinion about whether a property meets the criteria to be placed on the state register of historic places.

Section 23 [Membership; 138.763] is a clarifying change.

Section 24 [Membership; 349.151, subd. 2] allows members of the Gambling Control Board to maintain their seats until a successor is appointed unless the appointing authority notifies the board that the member's appointment may not be extended.

Section 25 [Appropriation; Veterans Affairs] appropriates federal funds received in fiscal years 2021 to 2023 to the commissioner of veterans affairs to construct, furnish and equip veterans homes in Preston, Montevideo and Bemidji in accord with requirements of the federal award.

Section 26 [Revisor's instruction] directs the Revisor of Statutes to change "central motor pool" to "enterprise fleet" throughout the statutes.

Section 27 [Repealer] repeals requirements for the Office of Legislative Auditor to audit the programs and services of the departments of transportation and public safety.

ARTICLE 2

INFORMATION TECHNOLOGY

Section 1 [Departments of the state; 15.01] adds the Department of Information Technology to the departments listed in statute.

Section 2 [Department of Information Technology Services; 16E.01] changes the name of the Office of MN.IT Services to the Department of Information Technology Services. Specifies that the department is responsible for executive branch systems. Eliminates certain listed duties. Authorizes the chief information officer to define what constitutes a project.

Section 3 [Responsibility for information technology services and equipment; 16E.016] is a conforming change.

Section 4 [Department of Information Technology Services; structure and personnel; 16E.02] eliminates permission for the chief information officer to appoint a webmaster. Makes conforming and technical changes.

Section 5 [Definitions; 16E.03, subd. 1] eliminates a definition of "Information and telecommunications technology project."

Section 6 [Chief information officer's responsibility; 16E.03, subd. 2] eliminates a requirement that the chief information officer design a master plan for information and telecommunications technology systems for use by political subdivisions. Eliminates a requirement that the chief information officer maintain a library of systems and programs developed by political subdivisions.

Section 7 [Evaluation and approval; 16E.03, subd. 3] permits written approval of a proposed project by a delegate of the chief information officer. Eliminates a requirement that the commissioner of management and budget cancel the unencumbered balance of an appropriation for a project after the chief information officer notifies the commissioner of management and budget that a proposed project has not been approved by the chief information officer.

Section 8 [System development methods; 16E.03, subd. 6] eliminates a requirement that development methods enable and require a data processing system to be defined in terms of its computer programs, input requirements, output formats, administrative procedures, and processing frequencies.

Section 9 [Advisory council; 16E.036] changes the Technology Advisory Committee to an advisory council. Provides for the governor and lieutenant governor to select six members to the council with information technology experience. Adds four legislators as ex officio, nonvoting members. Requires the governor and lieutenant governor to designate a voting member to serve as chair.

Section 10 [Risk assessment and mitigation; 16E.04, subd. 3] eliminates a requirement that the chief information officer notify the commissioner of management and budget when work has begun on a project and identify the proposed budget for the project. Eliminates a constraint on the commissioner of management and budget to not allow more than ten percent of the proposed budget be spent on a project until the risk assessment and mitigation plan are reported to and approved by the chief information officer.

Section 11 [Required review and approval; 16E.0465, subd. 2] eliminates the role of the commissioner of management and budget for authorizing an encumbrance or expenditure for information technology projects.

Section 12 [Duties; 16E.05, subd. 1] eliminates the duty of the department to coordinate statewide efforts by units of state and local government to plan for an develop a system for providing access to government services.

Section 13 [Private entity services; fee authority; 16E.07, subd. 12] is a conforming change to reflect the repeal of the defunct E-Government Advisory Council in this bill.

Section 14 [Charges; 16E.21, subd. 2] recodifies a provision from another existing statute section that is repealed in this bill. The provision authorizes unexpended operating balance that was appropriated to a state agency to be transferred to a designated account to be used for the information technology cost of a project, subject to review by the Legislative Advisory Council.

Section 15 [Compliance with federal law; 97A.057, subd. 1] eliminates a superfluous statute reference.

Section 16 [Revisor's instruction] directs the Revisor of Statutes to change the "Office of MN.IT Services" to the "Department of Information Technology Services" throughout the statutes.

Section 17 [Repealer] repeals the following sections:

- Section 16E.0466, subd. 1 – repeals requirement that agencies consult with MN.IT Services to determine the cost of an information technology project and that, upon agreement between the agency and the chief information officer, the agency must transfer the cost of the project to MN.IT. Requires that service level agreements document project-related transfers. Paragraph (b) of this section is replicated in another section of statute in this bill.
- Section 16E.05, subd. 3 – repeals a preclusion on a state agency proposing or implementing a capital investment plan for a state office building unless specified conditions are met.
- Section 16E.071 – repeals the enabling statute for the E-Government Advisory Council.
- Section 16E.145 – repeals requirements that an appropriation for an information technology project be made to the chief information officer; that the chief information officer manage and disperse the appropriation on behalf of the sponsoring state agency; that appropriations made to a state agency for an information technology project be transferred to the chief information officer.

ARTICLE 3 ELECTIONS

Section 1 [Military; 203B.01, subd. 3] amends the definition of “military” in the absentee voting chapter to also include Minnesota residents enrolled at the nation’s official military academies. This will allow these students to use the UOCAVA voting procedures.

Section 2 [Application procedures; 203B.04, subd. 1] requires the list of people applying for an absentee ballot to be available to the public in the same manner as the public information lists.

Section 3 [Names of persons; rejected absentee ballots; 203B.12, subd. 7] requires the list of voters who have submitted absentee ballots that have not been accepted to be made available to the public in the same manner as the public information lists.

Section 4 [Duties of ballot board; absentee ballots; 2003B.121, subd. 2] corrects terminology to refer to the proper type of absentee ballot envelope.

Section 5 [Opening of envelopes; 203B.121, subd. 4] corrects terminology to refer to the proper type of absentee ballot envelope.

Section 6 [Check of voter eligibility; proper execution of certificate; 203B.24, subd. 1] corrects terminology to refer to the proper type of absentee ballot envelope.

Section 7 [Write-in candidate; 204B.09, subd. 3] requires candidates for president and vice-president and candidates for governor and lieutenant governor to jointly file a request to have write-in votes counted.

Section 8 [Candidates and offices; 204B.36, subd. 2] requires ballots for a special election to include a space for write-in votes.

Section 9 [Elections; organized town; 204C.05, subd. 1a] requires the town clerk to notify the secretary of state if voting hours in the town will start later than required elsewhere.

Section 10 [Elections; unorganized territory; 204C.05, subd. 1b] requires an unorganized territory to notify the secretary of state if the voting hours will be shorter in the territory than required elsewhere.

Section 11 [Method; 204C.21] allows election judges to presume the total count provided for sealed prepackaged ballots is correct when counting blank ballots after the election.

Section 12 [Delivery of returns to county auditors; 204C.27, subd. 27] requires election judges in each precinct to deliver one set of summary statements to the county auditor or municipal clerk, instead of the two sets required by current law.

Section 13 [Publicly funded recounts; 204C.36, subd. 1] specifies that a request for a recount may be filed starting after the close of the canvass of the special or primary election.

Section 14 [State partisan primary ballot; party columns; 204D.08, subd. 4] specifies that when there is a special election to fill a vacant office on the state partisan primary ballot, that office must be listed after other offices for that type for which a candidate will be elected for a full term.

Section 15 [Order of offices; 204D.13, subd. 1] specifies that when there is a special election to fill a vacant office on the general election ballot, that office must be listed after other offices for that type for which a candidate will be elected for a full term.

Section 16 [Date of special election; certain times prohibited; 204D.195] prohibits holding a special election on a holiday or during the four days before or after a holiday.

Section 17 [Canvass; special primary; state canvassing board; contest; 204D.27, subd. 5] provides that in case of a contest of a special primary for a legislative office, the notice of contest must be filed within two days after the canvass is completed.

Section 18 [Filing by candidate; 204D.28] provides that when both US senator offices are to be on the ballot and one of them is for a special election to fill a vacancy for the remainder of the term, the affidavit of candidacy must specify which of the offices the candidate is seeking.

Section 19 [United States senator; candidates; designation of term; 204D.28, subd. 10] provides that when both US senator offices are on the ballot, the expiration date of each term of office must be printed in the office heading.

Section 20 [Contracts required; 206.805, subd. 1] strikes a cross-reference to a repealed subdivision.

Section 21 [Standard of acceptable performance by voting system; 206.89, subd. 4] establishes the thresholds for determining acceptable performance by a voting system.

Section 22 [Additional review; 206.89, subd. 5] provides that if the thresholds in section 55 are exceeded, then additional review of the election results is required.

Section 23 [Ballots; 206.90, subd. 6] requires the ballot title in elections where both municipal and school district candidates or question appear on the ballot to be the same, regardless of whether the election is in an odd- or even-numbered year.

Section 24 [Form of ballots; candidates on ballot; 207A.13] specifies that certain requirements for the presidential nomination primary only apply to participating parties.

Section 25 [Notice of primary to public 207A.14, subd. 3] eliminates the requirement that the notice of a presidential nomination primary state that party choice is public information. A change made in 2019 classifies this data as private, so this change conforms with the 2019 change.

Section 26 [Requirement, fee; 367.25, subd. 1] requires a person elected at a town special election to take the oath of office within 10 days after receiving a certificate of election or appointment.

Section 27 [Vacancy; 412.02, subd. 2a] specifies that election laws apply to elections to fill a vacancy in a city council office.

ARTICLE 4 CAMPAIGN FINANCE

Sections 1, 3, 5-9, and 11-12 make conforming changes to various definitions that apply to chapter 10A that correspond to the changes in section 32.

Section 2 [Ballot question] amends the definition of “ballot question” for purposes of chapter 10A to include questions voted on by all voters of Hennepin County, all voters of Minneapolis, or all voters of the Minneapolis School District.

Section 4 [Local candidate] defines “local candidate” for purposes of chapter 10A. A local candidate is a person who is a candidate for any county office in Hennepin County; any office in Minneapolis; or the Minneapolis School Board.

Section 10 [Noncampaign disbursement; 10A.01, subd. 26] allows a candidate to make noncampaign disbursements of up to \$3,000 in a two-year period for security expenses.

Section 13 [Public Official; 10A.01, subd. 35] amends the definition of “public official” in chapter 10A to include the chancellor and members of the Board of Trustees of the Minnesota State Colleges and Universities.

Section 14 [Time for filing; 10A.09, subd. 1] strikes the reference to filing a statement of economic interest with the Board. A later subdivision of the same law specifies where the form must be filed.

Section 15 [Notice to board; 10A.09, subd. 2] eliminates the requirement that local governments notify the board when the local government hires or appoints a local official that is required to file a statement of economic interest.

Section 16 [Form; general requirements; 10A.09, subd. 5] strikes two paragraphs relating to original statements of economic interest and replaces it with a new subdivision created in section 17.

Section 17 [Original statement; reporting period; 10A.09, subd. 6] creates a new subdivision that applies to the original statement of economic interest. The statement must cover the calendar month before the month in which the filer became a public official, local official, assumed office, or filed an affidavit of candidacy, as applicable. Sections 16 and 17 together provide a more uniform approach to the reporting period.

Section 18 [Annual statement; 10A.09, subd. 6] increases the amount of honorarium that must be reported from \$50 to \$250. This section also strikes two paragraphs relating to what months must be included in the statement. By eliminating these two paragraphs, the annual statement must include information for the previous period through December 31.

Sections 19-22 make conforming changes that correspond to the changes in section 32.

Section 23 [Alternate contact information; form; 10A.14, subd. 2a] allows a candidate, treasurer, or chair to file alternate contact information with the Campaign Finance Board. The Board may use this information to contact the candidate, treasurer, or chair for purposes of administering campaign finance laws. The information is private data on individuals.

Section 24 makes a conforming change that correspond to the changes in section 32.

Section 25 [Local election reports] establishes a reporting schedule for filing reports related to local candidates and ballot questions.

Sections 26-27 make conforming changes that correspond to the changes in section 32.

Section 28 [Third-party reimbursement; 10A.20, subd. 13] corrects two cross-references.

Section 29 [Unregistered association limit; statement; penalty; 10A.27, subd. 13] allows an unregistered association to provide disclosure statements through a government website address where the disclosure report for the association may be viewed. This section eliminates the requirement to disclose in-kind contributions from a federal committee of a political party to the committee's state committee or party organization of a legislative house.

Section 30 [Exceptions; 10A.275, subd. 1] says that expenditures by a party for voicemail, text messages, multimedia messages, internet chat messages, or emails that include the name of three or more candidates are not contributions to a candidate or an independent expenditure.

Section 31 [Affidavit of contributions; 10A.323] corrects a cross-reference.

Section 32 [Campaign financing, disclosure of economic interests] amends the existing law that governs campaign finance reporting for certain local offices in Hennepin County. Current law requires the county to regulate campaign finance reporting for all local candidates and entities within the county. This section makes the Campaign Finance and Public Disclosure Board responsible for oversight of campaign finance reporting for ballot questions (as defined in section 2), local candidates (as defined in section 4), and entities related to local ballot questions or local candidates.

Section 33 [Repealer] repeals several statutes. Subdivision 1 repeals two subdivisions require the president and directors of Enterprise Minnesota, Inc. to file statements with the Board disclosing contributions made to public official, political committee, political fund, or political party made within the past four years that were subject to the reporting requirements of chapter 10A. Subdivision 2 repeals statutes relating to Hennepin County candidates that are replaced by provisions in section 32.