
LEGISLATIVE WRAP-UP

This edition focuses on major LWV Minnesota priorities as set by the Board. You can also visit the News section of our website to watch the [Legislative Wrap-Up webinar!](#)

Legislative Auditor's Evaluation Report on Voter Registration

One of the first and most important issues that LWV Minnesota tracked this session was the release of a voter registration audit report from the Legislative Auditor. The Legislative Auditor is a nonpartisan division of the legislature. A bicameral, bipartisan commission directs the Legislative Auditor to audit and evaluate state programs so that the legislature can decide if and how it wants to change them.

The report was released in March. It showed some discrepancies that ineligible persons may have voted, primarily due to confusion over whether or when an individual convicted of a felony could vote. The report listed six recommendations:

1. The Office of the Secretary of State should improve the online voter registration application. The online registration tool should be modified so that, as a first step, the online system screens prospective registrants to see if they have already registered to vote under their current name and address. Also, the online registration process should conclude with a "Please Review" screen, similar to those used when making online credit card purchases, which gives registrants an opportunity to review their information before submitting it.
2. The Office of the Secretary of State should begin to modernize the Statewide Voter Registration System. This would include making the database system faster and less prone to freezing or crashing. It also would include changes to ensure the system could handle an increasing number of absentee ballot requests.
3. The Legislature should amend Minnesota Statutes 2017, 201.121, subd. 3(a), to remove the random sampling requirement or clarify its purpose. The original purpose was to ensure ballots were accurately counted and cast only by eligible, registered voters. However, the small sample size and precinct selection methods do not effectively meet that purpose.
4. County election officials should consider using the "Voters Updated Due to Voting" report to identify persons who may have voted while ineligible. This would better identify or prevent, for example, individuals who are not eligible to vote because they have not finished a sentence for a felony conviction.

5. The Office of the Secretary of State should consult with counties about the need for a report to identify inactive voters who register while ineligible to do so. (Similar to the recommendation above.)
6. The Legislature should amend Minnesota Statutes 2017, 201.162, to clarify its expectations of state agencies to provide voter registration services to members of the public. Minnesota law requires state agencies to provide voter registration services to employees and members of the public. But over one-third of the Cabinet-level state agencies did not provide voter registration services to the public in 2016, and some agency representatives voiced uncertainty about how to implement the requirement in their agency.

LWV Minnesota issued a press release on the day that the report was published:

FOR IMMEDIATE RELEASE – MARCH 16, 2018

Statement on Voter Registration Report

OLA Report shows opportunity to strengthen the security of Minnesota elections

St. Paul, Minn. – In response to the [report on voter registration](#) released today by the Office of the Legislative Auditor, Michelle Witte, Executive Director of the League of Women Voters Minnesota released the following statement:

We'd like to thank the nonpartisan staff of the Office of the Legislative Auditor for their work on the voter registration report released today. The report shows that Minnesotans can be proud of our voter registration system, which has been a model for the nation. The report also shows that we need to do some work investing in secure, modern and efficient registration systems, especially those that meet the special cybersecurity issues we are now facing as a nation.

We strongly encourage our legislature to continue the tradition of requiring bipartisan support for any updates and changes made to our election system as a result of this report. As Senator Mary Kiffmeyer and Representative Tim O'Driscoll stated in a 2017 letter to the Campaign Finance and Public Disclosure Board, "the longstanding tradition in elections and campaign finance policy has been that all approved policy must have broad bipartisan support."

We also applaud Senator Susan Kent and Representative Laurie Halverson for their leadership on the [The Secure Access for Minnesota Voters Act](#) (SF3374/HF3791). This bill was introduced by Rep. Halverson and Sen. Kent to provide the reforms and cyber security updates that Minnesota needs right now to secure our elections and ensure access to the ballot for all eligible voters.

"We urge the legislature to work together to keep voting secure and accessible for all, and maintain Minnesota's ranking as first in the nation for voter turnout. There are many bipartisan solutions, such as Automatic Voter Registration and Restore the Vote, already on the table to help us successfully address the challenges we face," says Terry Kalil, LWVMN President.

Automatic Voter Registration has been an effective bipartisan measure in other states to secure access to the ballot and ensure integrity of our voter registration system.

The League of Women Voters Minnesota is a nonprofit, nonpartisan organization committed to empowering voters and defending democracy since 1919.

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Provisional Ballots – Opposed

LWV US Position: Voting is a fundamental citizen right that must be guaranteed.

Provisional ballots are not counted on election day. Instead, they are placed in a “maybe pile” and sent to the county auditor’s office, where a voter must appear later with additional evidence of eligibility. If the voter does not make this extra trip, the ballot is not counted. We currently do not use them in Minnesota. However, implementing a provisional ballot system is a high priority of Senator Kiffmeyer, the chair of the Senate elections committee. She had authored a bill last year that would have implemented a provisional ballot system in Minnesota. LWV Minnesota expected provisional ballots to make a reappearance after the Legislative Auditor’s report on voter registration, but that did not happen. No news is good news here!

Restore the Vote – Supported

LWV MN Position: Allow citizens living in the community on probation or parole to vote.

“Restore the Vote” is also known as felon re-enfranchisement. Current law prohibits individuals with felony convictions from voting before their sentence is complete, including probation, parole and supervised release. One bill this session would have allowed those individuals to vote so long as they were not imprisoned, i.e., individuals on probation/parole would be allowed to vote. The bill received one hearing in the House Public Safety Committee. It failed on an 8-7 vote, with Rep. Zerwas as the sole Republican in favor of the bill. LWV Minnesota will continue to work closely with the Restore the Vote Coalition on this issue.

Election Cybersecurity – Supported

LWV MN Position: Support improvements in election laws regulating election procedures, voting and school district elections.

Minnesota was one of the states whose voter registration database was “scanned” by a foreign entity. The legislature had bipartisan agreement to accept funding from the federal government to modernize the statewide voter registration system and increase election cybersecurity. Funding was eventually included in the supplemental budget omnibus bill.

On May 16, LWV Minnesota issued the following statement:

Election officials statewide are hard at work preparing for the upcoming elections this fall. But supporting that work will take additional help from our Legislature today. The League of Women Voters encourages the Legislature to take those steps.

This morning, the Senate Intelligence Committee determined that federal intelligence agencies were correct in assessing that Russia interfered in the 2016 elections. [Chairman Sen. Richard Burr \(R-N.C.\)](#) stated, “There is no doubt that Russia undertook an unprecedented effort to interfere with our 2016 elections.” This follows just one week after the Senate Intelligence Committee released a [report on election security](#) that found that cyber infiltrators could have altered or deleted voter registration data.

Also this morning, Minnesota Secretary of State Steve Simon [issued a statement](#) asking that the Legislature release \$1.5 million in federal funding for Minnesota’s election cybersecurity. But the

Legislature and Governor has not yet agreed to accept and allocate those funds. Secretary Simon said, “We need these funds. The Russians attempted to hack our elections in 2016. We know they will be back in 2018. These federal dollars – not one penny of which adds to the tax burden borne by Minnesotans – are our best chance to further protect Minnesota’s best-in-the-nation elections systems.” Simon [is worried](#) that Governor Dayton will veto the funding bill that includes the election security funding because the bill includes other provisions that Dayton opposes.

“With foreign countries a known threat to our democracy, the League of Women Voters Minnesota calls on the legislature to eliminate obstacles to the immediate release of federal funds,” said Terry Kalil, president of LWV Minnesota. “Minnesota is known for having one of the safest, most secure election systems. Minnesota voters expect no less than continued excellence in our election integrity.”

Money in Politics – Opposed in Part

LWV US Position: Methods of financing political campaigns should ensure the public’s right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process.

This year, there was a major campaign finance bill based on the recommendations from the Campaign Finance & Public Disclosure Board. The bill mostly clarified the law and turns regulatory interpretation into official statutes, which is good. The bill included a few changes from the recommendations from the Board, but there was bipartisan agreement on those changes.

LWV Minnesota opposed one of these changes. “Coordinated expenditures” are when a spender (individual or PAC or Super PAC) spends money at the direction/suggestion of a candidate to benefit a candidate. This typically includes the spender/candidate exchanging any nonpublic information (because money is spent to gather the information and then exchanged for the benefit of the candidate).

The provision that LWV Minnesota opposed had created an exemption to coordinated expenditures that would have allowed candidates to provide names of potential donors to a spender. That means that candidates would be able to give their email lists to Super PACs. This would likely increase the reliance on PACs.

However, the bill overall was really good. It received bipartisan support and was signed by the Governor.

Elections Bill – Supported

LWV MN Position: Support improvements in election laws regulating election procedures, voting and school district elections.

There was an attempt at an elections bill this session. The bill mostly included technical changes. Of the few substantive changes to election law, LWV Minnesota either supported or was neutral. Much of the bill would have implemented recommendations from the voter registration audit report. Most provisions from the elections bill were included in one of the major omnibus bills.

Voter Registration by State Agencies – Supported

LWV MN Position: Support improvements in election laws regulating election procedures, voting and school district elections.

Current law already requires state agencies to offer voter registration services; however, not all state agencies are performing those services. One bill would have required any agency that issued licenses of any kind (driver's, hunting, fishing, occupational, etc.) to provide information on how to register to vote. A modified version of this bill was included as a provision of one of the major omnibus bills. However, it was limited to the Department of Natural Resources (i.e., hunting and fishing licenses). The provision was removed from the omnibus bill by request of the Governor.

Ranked Choice Voting Preemption – Opposed

LWV MN Position: Support the option to use Instant Runoff Voting to elect state or local officials in single seat elections.

There was one bill that would have prohibited any local government from implementing or using ranked choice voting. This would have caused major problems for Minneapolis and St. Paul, which already use RCV. It would also have caused problems for cities (like St. Louis Park) that are in the process of adopting RCV. The bill was very unpopular with only one testifier in favor and several testifiers opposing, including the Secretary of State and the League of Minnesota Cities. The bill did not meet one of the legislative deadlines and did not progress. We expect this bill to return again next session, and LWV Minnesota will continue to work closely with the Restore the Vote Coalition on this issue.

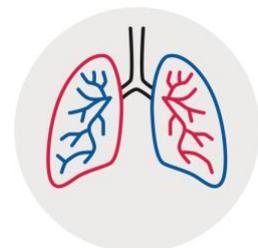
Public Campaign Subsidies Changes – Opposed

LWV MN Position: Support judicious use of public resources to finance campaigns.

Minnesota's tax checkoff program allows voters to check a box on tax forms to designate \$5 to a political party or a special fund. That money is then redistributed to candidates of that party or, if the special fund was designated, to all candidates equally. The candidates must agree to limit their overall spending in order to receive funds. One bill would have changed the public subsidy program so that a voter could not designate a party, but could only contribute to the special fund. However, most people do not designate money to the special fund. The practical result of the bill would likely have been that almost no money would be designated to the program. This would have effectively killed the program. This bill was folded into the supplemental budget omnibus bill. LWV Minnesota issued an Action Alert on this provision (see below). It was eventually removed from the bill after lobbying by LWV Minnesota and Common Cause.

Don't Suffocate the Campaign Public Subsidy Program

Article 16, section 3 of the House version of the supplemental budget bill would change our public campaign subsidy program. It would end checkoffs for political party funds and equalize the public campaign subsidy. Candidates would get the same amount of subsidy regardless of their party association.



On the surface, this sounds fair. **But removing party checkoffs would likely lower the available dollars for the program by more than half.** This means candidates in the public subsidy program may not be able to run effective campaigns. Instead, they may forgo the program altogether, and need to raise large contributions from special interest money. Candidates would spend less time with voters because they would spend more time securing money from big donors. It would also stunt the ability of candidates from that wider demographic to participate. This is not the right system for Minnesota.

Keep our system healthy. Don't let the Legislature suffocate our public campaign subsidy program!

This provision would drastically lower the amount of money available for subsidies. This money is the air that keeps the public subsidy program alive. Candidates who participate in the program would be unable to run effective campaigns. This would make candidates:

- Forgo the public subsidy program
- Raise more money from special interests and big money
- Spend less time with voters (because they're raising \$\$\$!)
- Run more expensive campaigns (and send you more political ads!)

Ask the Conference Committee members that they do not include this provision in the final bill.

Redistricting Principles – Opposed in Part

LWV US Position: The standards on which a redistricting plan is based, and on which any plan should be judged, must explicitly reject protection of incumbents [and] preferential treatment for a political party.

The legislature considered some redistricting changes this year, but they did not go through the election committees. Instead, the redistricting provisions were placed into a bill through the House's State Government Finance Committee, and eventually the supplemental budget omnibus bill. The provision would have kept redistricting in the control of the legislature and implemented several redistricting principles into statute. Most of the principles were not harmful, but they were not ranked in the order that LWV Minnesota would prefer. At least one major principle was missing: a prohibition on partisan, candidate, or incumbent gerrymandering. Eventually, the redistricting provisions were removed from the omnibus bill after lobbying by LWV Minnesota and Common Cause.

Campaign Finance Rulemaking Prohibition – Opposed

LWV US Position: Methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process.

One provision of the House version of the supplemental budget bill would have prohibited the campaign finance board from issuing interpretive rules. This authority is important because it allows the board to clarify statutes and enforce the law. LWV Minnesota issued an Action Alert on this issue (see next page). This provision was eventually removed in conference committee after lobbying by LWV Minnesota, Clean Elections Minnesota, and Common Cause.

Don't Weaken the Guardians!

Limiting Campaign Finance Rulemaking Is Bad For Minnesotans

Article 16, section 1 of the House version of the supplemental budget bill (UES3656-1) would weaken the guardians of our campaign finance system by taking away the tools they need to defend our democracy! This provision would harm Minnesotans who play by the rules. It prohibits the Campaign Finance & Public Disclosure Board from proposing rules to interpret our campaign finance laws.



#DefendDemocracy

- The purpose of rules is usually to clarify, and thus interpret, the meaning of a statute. Taking away this ability means there would be a challenge to virtually every rule adopted by the Board.
- Clear rules enforced by the impartial Board provide a level playing field for all and help Minnesotans avoid violating the campaign finance statutes.
- The legislature wants to remove the power of the Board, the authority responsible for regulating and investigating candidates, including legislators themselves.
- This provision would make it easier for special interests to pour money into our elections, because the Board would be less able to enforce the law.
- This provision has been slipped into a larger, must-pass budget bill in an effort to escape a veto by the Governor.
- Currently we have independent, expert oversight that defends our campaign system from illegal activity and corruption. Instead, this provision would dismantle and incapacitate enforcement of money-in-politics laws.

Political Contribution Refund Program Repeal – Opposed

LWV MN Position: Support judicious use of public resources to finance campaigns.

The Political Contribution Refund program allows a voter to donate up to \$50 to a candidate; the voter can then receive a refund from the state. This program increases a broad base of donor participation and decreases the reliance on big donors and special interest money. One provision in the House version of the tax omnibus bill would have repealed/defunded the PCR program. However, this provision was removed during conference committee after lobbying from LWV Minnesota, Clean Elections Minnesota, and Common Cause.

RECAP: THE LAST FEW DAYS OF SESSION

During the last week of session, the legislature packed almost every large omnibus bill into a gigantic “supplemental budget omnibus bill” that, once finalized, was 990 pages. There was a mad rush by the conference committee to complete the bill on time. In the last few days of session, Governor Dayton alleged that the legislature was failing to negotiate with him. He released a list of 117 objections to the supplemental budget bill. The conference committee worked late into the night and over the weekend to address some (but not all) of the Governor’s objections.

Eventually, the legislature passed four main bills during the last week of session: a pension bill, a bonding bill, a tax omnibus bill, and the supplemental budget omnibus bill. Governor Dayton signed the pension bill and the bonding bill. However, he vetoed the tax omnibus bill and the supplemental budget omnibus bill, which represented most of the work the legislature had done this session.

FORECAST

- Restore the Vote has bipartisan support in both chambers of the legislature and will be introduced again next session. LWV Minnesota will continue to work closely with the Restore the Vote Coalition on these issues.
- Technical changes to election law and funding for election cybersecurity and voter registration system modernization both receive bipartisan support. Because they were part of the vetoed supplemental budget omnibus bill, the next legislature will need to address these issues. LWV Minnesota will ask them to pass them in standalone bills rather than in omnibus bills.
- Census will happen in 2020 and 2021. Census count informs redistricting, so LWV Minnesota wants to ensure the Census is accurate. Most action will take place at the federal level, though there may be funding supplements at the state level. LWV Minnesota will continue to work closely with the Census Mobilization Partnership on these issues.
- Redistricting will happen in 2021 and 2022. We anticipate that it will be a very contentious, very partisan fight, as it often is. LWV Minnesota will be watching for two types of redistricting bills:
 - Principles – what criteria is used to draw the maps
 - Method – who draws the maps and howLWV Minnesota will work closely with Common Cause Minnesota on this issue.

GET INVOLVED

Interested in legislative advocacy? Join Observer Corps or Lobby Corps! Recruitment for Observer Corps and Lobby Corps for the 2019 legislative session will begin in December 2018. Please keep an eye on *All Member News* for more information. During the last few days of session, LWV Minnesota had an impromptu Lobby Day with some Lobby Corps members. Here's what Ellen Silva said about her experience:

“What a way to end the 2018 observer/lobby corps season – an impromptu Lobby Day at the capitol! I joined several other eager lobbyists in an effort to convince our legislators to not include two dangerous campaign finance provisions in the supplemental budget bill. Oh, my, we learned so much about citizen lobbying – it’s not that scary in a group, that same group can help you put together a really succinct and compelling argument, it’s really quite simple to request an impromptu meeting (the tricky part is whether or not the legislator will actually come out to meet you, but if they don’t, their legislative assistants are readily available and can be quite charming), and...IT CAN MAKE A DIFFERENCE! Along with other lobbying organizations, both those in person at the capitol and the many who called in, we were successful in our mission and the harmful provisions were NOT ultimately included in the budget bill. I am so appreciative of the concrete opportunity to defend our democracy that the League has given us. I encourage you all to take advantage of that same opportunity next year – it feels incredible to be acting on your values and making an impact.”