

CHAPTER 7—S.F.No. 8

An act relating to elections; establishing the Help America Vote Act account; providing for funding and use of that account; establishing a procedure for review of complaints; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 5; 200.

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

Section 1. [5.30] HELP AMERICA VOTE ACT ACCOUNT.

Subdivision 1. ESTABLISHMENT. The Help America Vote Act account is established as an account in the state treasury. Money received from the federal government under the Help America Vote Act, Public Law 107-252, must be deposited in the state treasury and credited to the account. Money appropriated from the general fund to meet the matching requirement of section 253(b)(5) of the Help America Vote Act must be transferred to the account. Money earned from investing the assets of the account must be credited to the account. Money in the account does not cancel but remains available until expended. The account is subject to the requirements of section 254(b) of the Help America Vote Act.

Subd. 2. APPROPRIATION. Notwithstanding section 4.07, money in the Help America Vote Act account may be spent only pursuant to direct appropriations enacted from time to time by law. Money in the account must be spent to improve administration of elections in accordance with the Help America Vote Act, the state plan certified by the governor under the act, and for reporting and administrative requirements under the act and plan. Money in the account must be used in a manner that is consistent with the maintenance of effort requirements of section 254(a)(7) of the Help America Vote Act, Public Law 107-252, based on the level of state expenditures for the fiscal year ending June 30, 2000.

Sec. 2. [200.04] HELP AMERICA VOTE ACT COMPLAINTS.

Subdivision 1. PROCEDURE. The secretary of state shall establish a procedure for the review of complaints regarding the administration of Title III of the Help America Vote Act of 2002, Public Law 107-252, including complaints about voting system standards, computerized statewide registration lists and equipment, voter registration requirements, and other features of state implementation of that act. The secretary of state shall provide a complaint form that requires the signature of the complainant, an affidavit and notarization, and the attachment of any supporting documentation. The form must indicate that any election judge, while serving, is deemed a notary public for purposes of Public Law 107-252, section 402.

Subd. 2. POLITICAL SUBDIVISIONS. (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to a town, city, school, or county employee or official.

(b) The secretary of state must provide the town clerk, city clerk, school district clerk, or county auditor with a copy of the complaint within three business days of receiving it.

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(c) The town clerk, city clerk, school district clerk, or county auditor has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the secretary of state.

(d) The secretary of state shall provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the town clerk, city clerk, school district clerk, or county auditor must be given notice and the opportunity to participate.

(f) The secretary of state shall issue a final determination, and, if necessary, a remedial plan, no later than 90 days after the filing of the complaint. If the secretary of state fails to issue the determination within 90 days, the secretary of state must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

Subd. 3. SECRETARY OF STATE. (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to the secretary of state.

(b) The secretary of state must forward the complaint to the office of administrative hearings within three business days after receiving it.

(c) The secretary of state has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the office of administrative hearings.

(d) The office of administrative hearings must provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the secretary of state must be given notice and an opportunity to participate.

(f) The office of administrative hearings must issue a final determination and remedial plan if necessary no later than 90 days after the filing of the complaint. If the office of administrative hearings fails to issue the determination within 90 days, it must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

Subd. 4. APPLICATION OF CHAPTER 14. Proceedings under this section are not subject to chapter 14.

Subd. 5. APPEAL. A determination made under subdivision 2 is not an agency determination subject to appellate review. Either party may initiate an appeal from the secretary of state's final order in the district court in the county where the town, city, or county employee or official is employed.

Subd. 6. REVIEW. A determination made under subdivision 3 is subject to appellate review.

Sec. 3. APPROPRIATION.

\$6,500,000 is appropriated from the Help America Vote Act account to the secretary of state to carry out one or more of the following activities necessary to meet requirements imposed by the Help America Vote Act, Public Law 107-252:

(1) develop the state plan required under the act;

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(2) modify the statewide voter registration system;

(3) develop and administer a procedure to process complaints;

(4) improve polling place accessibility;

(5) prepare training materials;

(6) provide assistance to persons with limited proficiency in the English language;

and

(7) train local election officials.

This appropriation is available until June 30, 2005.

Sec. 4. STATE MATCH PREVIOUSLY EXPENDED.

\$1,750,000 expended by state and local government under the voting equipment grant account established by Minnesota Statutes, section 204B.48, in fiscal years 2002 and 2003, was money appropriated for carrying out the activities for which requirements payments are made under section 251 of the Help America Vote Act of 2002, Public Law 107-252, as required by section 253(b)(5) of the act.

Sec. 5. EFFECTIVE DATE.

This act is effective retroactively to the full extent permitted by the Help America Vote Act, Public Law 107-252.

Presented to the governor May 27, 2003

Signed by the governor May 30, 2003, 4:10 p.m.

CHAPTER 8—S.F.No. 10

An act relating to state government; updating references; increasing the threshold project amount for designer selection board approval; modifying building code language; modifying state procurement provisions; eliminating a report; regulating data practices; providing for the classification and dissemination of certain data; providing for public access; authorizing the commissioner of administration to render opinions in certain circumstances; amending Minnesota Statutes 2002, sections 13.072, subdivisions 1, 2; 13.08, subdivision 4; 13.32, by adding a subdivision; 13.37, subdivision 3; 13.43, subdivision 1; 13.643, by adding a subdivision; 13.746, subdivision 3; 13.785, subdivision 2; 16B.054; 16B.24, subdivisions 1, 5; 16B.33, subdivision 3; 16B.61, subdivision 1a; 16B.62, subdivision 1; 16C.06, by adding a subdivision; 16C.08, subdivision 4; 16C.10, subdivisions 5, 7; 16C.15; 16C.16, subdivision 7; 196.08; 268.19, by adding a subdivision; 307.08, by adding a subdivision; 327A.01, subdivision 2; 349A.08, subdivision 9; 386.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 13; 16C; repealing Minnesota Statutes 2002, sections 13.6401, subdivision 4; 16C.18, subdivision 1; 270B.03, subdivision 8; Laws 2001, First Special Session chapter 10, article 2, section 40.

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