



May 16, 2017
Vol. XLIX No. 5

League of Women Voters Minnesota Legislative Update

The Capitol Letter™, a publication of the Legislative Task Forces, provides reports from LWV Minnesota volunteer lobbyists on action at the state legislature. You will find information on bills related to LWV Minnesota positions, web links to legislators, committees and other important information. New bills will be in boldface followed by the name(s) of the author(s) and LWV Minnesota's position on that bill: Support, Oppose, Support in Part, Oppose in Part, or Watch.

LWV Minnesota advocates on public policy issues for the purpose of creating a strong democracy. Our positions are reached through a study and consensus process and are detailed in our [Program for Action](#). The reports in each Capitol Letter™ are largely the work of volunteer citizen lobbyists.

The work of LWV Minnesota is entirely nonpartisan; we never support or oppose parties or candidates.

Finding bills, committees and legislators:

If you would like more information about a bill, committee or legislator cited in the Capitol Letter, please visit the Minnesota State Legislature webpage: <http://www.leg.state.mn.us/>

LWV Minnesota also conducts voter education and outreach. Our voter service work is separate from our advocacy work and is never used to advance a particular policy agenda or issue.

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Governor Dayton Vetoes Major Budget Bills

With only 7 days left in the 2017 Session, Governor Dayton has vetoed ten omnibus budget bills, leaving little time to negotiate a final budget before end of the 2017 Session by May 22. Higher Education, Jobs, Public Safety, Taxes, and Transportation Omnibus Bills were vetoed on Monday, May 15th. On Friday, May 12th, Governor Dayton vetoed Agriculture, Environment and Natural Resources, Education, Health and Human Services, and State Government Omnibus Budget Bills. You can read Gov. Dayton's veto letters [here](#).

You can read all about the battle over the budget bills by going to the **Session Daily** on [May 12](#) and [May 16](#).

ELECTION LAW

***LWVUS Position:** Voting is a fundamental citizen right that must be guaranteed. Voting Rights: Protect the right of all citizens to vote; encourage all citizens to vote.*

***LWV Minnesota Position:** Support improvements in election laws regulating election procedures, voting and school district elections. Support restoration of voting rights for individuals living in the community on probation or parole due to a felony conviction.*

Bettie Reuther and Kathy Tomsich, LWV MN volunteer lobbyists

Senate Passes Bill with Provisional Ballots and Sends it to the House

SF 514 Senate Omnibus Elections Bill. Sen. Mary Kiffmeyer (R – Big Lake). Oppose. On May 15th, the Senate passed SF514 along party lines, 34-33. It was sent to the House where it will be compared to HF729, the House Omnibus Elections Bill. The House could adopt the language in SF514 and pass it, which would mean there would be no conference committee and it would go directly to the Governor. Or the House could amend SF514 and pass the amended version. In this case, there would be a conference committee to work out the differences in the bills.

The Senate Omnibus Elections Bill was discussed in the third and fourth issues of the [Capitol Letter™](#). LWV Minnesota opposes this bill for many reasons but the main one is that it would

introduce provisional ballots into our election system. Voters who are challenged for felony, citizenship or because they are not mentally competent to vote would be required to vote a provisional ballot. The 5th Engrossment of this bill has one improvement since it would no longer make public the party affiliation of election judges.

The current procedure for resolving address related challenges is not changed by this bill.

Other troubling provisions in this 62-page bill are discussed in [Public Data](#). SF514 is an unfunded mandate on local governments since it contains no funding for local governments to issue and process these provisional ballots. Note: The Secretary of State does not support this bill.

LWV MN **supports** the House version of the **Omnibus Elections Bill, HF729, Rep. Shelly Fenton (R-Woodbury), Rep. Tim O’Driscoll (R-Sartell)**. This bill is very different from SF514 as explained in the 4th issue of the Capitol Letter. It does not include provisional ballots but it does include an expansion of the optional in-person early voting and moves the state primary to June, provisions not in the Senate version. Since the Senate passed their version, SF524, first and sent it to the House, this means that the House will not take up HF729 but will look at the language in SF514. LWV Minnesota hopes the House removes all provisions in SF514 that relate to challenged voters.

Note: The Pioneer Press published a [commentary](#) by Terry Kalil in May that refuted the Minnesota Voters Alliance’s claims that the provisional ballot legislation will “fix” the problems in our election system. Sen. Jim Carson (D-Eagan) distributed this commentary to Senators before the debate on SF514.

This commentary was exclusive to the Pioneer Press but other versions of it have appeared or are scheduled to appear in newspapers outside the metro region. Click [here](#) to read the alternate version.

REDISTRICTING – A LWV Minnesota Legislative Priority

LWV US Position: *Promote an open governmental system that is representative, accountable, and responsive. (Impact on the Issues, p. 7). Congressional districts and government legislative bodies should be apportioned substantially on population. Redistricting should not dilute effective representation of minority citizens. Efforts that attempt or result in partisan gerrymandering should be opposed. (Impact on Issues, p. 18). The League rejects voting by electors based on proportional representation in lieu of the present “winner-take-all” method. (Impact on the Issues, p. 22).*

LWV Minnesota Position: *Support timely redistricting based substantially on population and affecting all state and local governmental bodies. Support regular and equitable reapportionment, with definition procedures established to ensure prompt redistricting by the Legislature or by a reapportionment commission. Support procedures which provide for: compact, contiguous districts giving advantage to no particular person or group; public accessibility to legislative or commission deliberations and action; prompt judicial review. (Program for Action, p. 13).*

Nick Harper, LWV MN Volunteer Lobbyist

The **State Government Finance Omnibus bill (SF 605)**, Sen. Mary Kiffmeyer (R-Big Lake) and Sarah Anderson (R –Plymouth), **Oppose**, contains districting principles that the League generally supports but we oppose the bill overall as discussed in the section on [Money in Politics](#).

LWV Minnesota was pleased to see that the bill does not include limitations on the method of redistricting (i.e., legislature vs. commission). While the bill passed both the Senate and the House, Governor Dayton vetoed the bill for several reasons, including that the bill contained elections policy provisions that did not have bipartisan support. You can read the Governor's veto letter [here](#).

PUBLIC DATA

LWV US Position: *Democratic government depends on informed and active participation at all levels of government. Governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.*

LWV Minnesota Position: *Support legislative reform through improved procedures for providing information.*

Nick Harper, LWV MN Volunteer Lobbyist

Data Practices Provisions in the Elections Omnibus Bill

The Elections Omnibus bill (SF 514) passed in the Senate on May 15th and was sent to the House. See the discussion of SF514 under Election Law explaining why LWV Minnesota opposes this bill. This bill still includes changes to the public information lists that would make voters' private data public. These lists indicate each voter whose status is challenged in the statewide voter registration system at the time the list was prepared. For each voter, the list must include the history of each change in status and the date that the change to that status was made. The list also includes individuals that were previously registered but were removed from the statewide voter registration system, and the reason for the removal.

Election judge party affiliation would not be public data, but would be accessible by another election judge in the same precinct for the same election. LWV Minnesota supported this change from an earlier version in which the election judge's party affiliation was public data. This would ensure that election judges could follow the rule where assistance to a voter requires two elections judges, each of a different major political party.

MONEY IN POLITICS

LWVUS 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.*

Joan Sullivan, volunteer lobbyist

Conference Committee Report Accepted by House and Senate

SF605 State Government Finance (Omnibus) Bill, Sen. Mary Kiffmeyer (R - Big Lake) and Rep. Sarah Anderson (R- Golden Valley). **Oppose.** The differences in the House and Senate versions of the Omnibus Government Finance Bill were ironed out by a conference committee and a final version was reported to the House and Senate. Both chambers accepted the conference committee report and repassed the Omnibus State Government Finance Bill on May 9th. The vote in each chamber was strictly along party lines. It was ultimately vetoed by Gov. Dayton on 5/12/17. In his veto letter, he voiced objections to the inclusion of policy provisions and the drastic financial cuts to state agencies at a time when the state has a surplus. You can read his veto letter [here](#).

Very unfortunately for our LWV positions, both of the previously discussed awful provisions - the provision to eliminate the longstanding campaign public subsidy program and the provision effectively neutering the Campaign Finance and Public Disclosure Board (the CFB) – were included in the Omnibus bill passed by the Senate and the House. See the 4th issue of the Capitol Letter for more details about these provisions.

NATURAL RESOURCES/ ENVIRONMENT

LWVUS Position: *Natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of the ecosystem and to protect public health.*

Gwen Myers, Gretchen Sabel, Kathleen Doran-Norton, LWVMN lobbyists

The Constitution requires the Legislature to adjourn on the first Monday after the third Saturday in May, which is May 22nd this year. At this writing, they have passed ten omnibus bills¹, and Gov. Dayton (DFL) has vetoed all of them. Based on LWV MN's positions on Natural Resources, we applaud the Governor's action in vetoing these bills. Not only does the League object to much of the language in these bills, but the Environmental omnibus and all the others violate the state Constitution, which says, "No law shall embrace more than one subject...." In addition, the governor specifically warned the legislature early in the session not to include policy measures in finance bills. This admonition was ignored.

In areas pertaining to the Environment, the governor vetoed the following [omnibus bills](#): Environment and Natural Resources Finance; Agriculture and Housing Appropriations; Transportation Finance; and Jobs, Commerce, Energy, Labor and Industry, Employment and Economic Development Appropriations. None of these vetoes can be overridden; neither house has two-thirds of its members willing to override the governor's veto.

Gov. Dayton's [veto message](#) on the Environment and Natural Resources Omnibus, which passed as [HF 888](#), is worth a few minutes of your time. He states that this bill "puts at risk core values that define our state's identity of [common sense protections] that guarantee a clean,

healthy environment where all Minnesotans can thrive.” The narrative part of the letter treats the financial shortcomings of HF 888. These include reducing funding for operating adjustments in the DNR and MPCA which will mean slower decision-making for businesses seeking permits; attacking the Environmental Quality Board (EQB) by discontinuing funding for their efforts to modernize the Environmental Review program and by shifting all its base funding into the MPCA’s Environmental Fund, thereby funding the EQB exclusively through fees collected by a separate agency; and hamstringing the MPCA by significantly reducing funding to address emerging problems and legacy pollution cleanup. The MPCA’s mission is to “protect and restore our air, land, and water,” critical for public health and natural resource management. This is not an agency to weaken.

The controversial policy provisions in this finance bill the governor spells out in bullet points. These include many of the issues discussed in earlier *Capitol Letter* reports, for example:

- Several sections of the bill effectively gut the Buffer Law and delay its implementation.
- The EQB’s jurisdiction is restricted, and unreasonable criteria are added for all citizen applicants.
- The MPCA’s final decisions on the science underlying all water-related decisions is transferred to the Office of Administrative Hearings.
- Protection of [calcareous fens](#) is removed in favor of irrigation.
- The DNR’s ability to manage groundwater supplies is eroded by automatically transferring water permits.
- The DNR is forbidden from making rules against lead shot in upland game hunting, e.g. pheasants, thus limiting their authority to protect wildlife health on state land.
- Those eligible to file a petition for a contested case hearing on a permit to mine is limited to adjacent property owners or the unit of government in whose jurisdiction the mine would be located.

About the only good environmental news to emerge from the session to date is that the provision to raise the number of animal units from 1000 to 2000 before requiring an environmental impact statement was removed. This appears to have been a result of strong grass-roots lobbying inspired by [Land Stewardship Project](#), always an LWV MN ally. Greater Minnesota’s water quality, air quality and health is thus protected from ever-larger factory farms with their ever-larger manure lagoons.

Links to Gov. Dayton’s veto messages are available on the [Veto Details site](#) under Governor’s Message. One can get a good idea of what the legislature has been doing since January 3, 2017, by skimming these letters. The other environment-related omnibus bills, plus those on E-12 education, higher education, taxes, the judiciary and public safety, and health and human services provide a clear picture of the difference between the Republican-controlled legislature and our DFL governor.

¹“Omnibus” bills were explained in the [March 25th Capitol Letter](#).



Letter to the Editor

The League of Women Voters Minnesota rejects the flawed arguments and omissions about replacing Election Day Voter Registration with a costly, unwieldy provisional balloting.

LWV Minnesota has two significant concerns with the proposed provisional balloting — the unfunded mandate placed on counties and the deprivation of a citizen's right to vote.

The Legislature omits funding for the additional costs of administering provisional ballots for every election. Olmstead County's Elections Manager Pamela Fuller estimated the cost at \$15 - \$18/ballot plus costs of polling place staffing, training election judges and required postage for notifying voters whether or not their ballot ultimately counted. How many provisional ballots might be cast in 2018? Unknown. Total cost? Undetermined. Where is the funding for this added burden on local government? Nonexistent. How can a thoughtful Legislature enact bills without this critical data?

This proposed "fix," provisional ballots, is itself seriously flawed. For voters, it's complicated, costly and burdensome, likely due to no fault of their own. For trained and sworn election judges, it eliminates their ability to resolve challenges at the polling place on Election Day. Instead, a challenged voter's ballot would be set aside and not counted until days or weeks later, if at all. Provisional balloting will have the (un)intended consequence of discouraging voting. The real question here should be about why any Legislator would work to diminish voters' ability to choose who represents them in St. Paul.

Some legislators express unfounded concern about the current challenged voter process used at polling places. A polling place reference guide issued by counties and the Secretary of State and available online would assuage their fears, as would attending the mandatory training for election judges.

The assertion that a voter who lies under oath about eligibility faces no consequences is false. Any voter who lies about eligibility and casts a ballot commits a felony with serious penalties

including imprisonment and steep fines. All challenged voters are documented and Elections Administrators follow-up on each case to ensure eligibility.

Our current system allows a voter to resolve a challenge at the polling site in an efficient manner that is fair to the voter and protects the integrity of our election system. Minnesota's election system is recognized as one of the best in the nation. Our voter turnout rate is highest in the nation, demonstrating that citizens take pride in our system and have confidence in the integrity of our election system.

Fear of a nonexistent problem must not cost taxpayers millions of dollars. Let's not compromise our system with convoluted provisional ballots that deprive citizens of their constitutional rights.

Instead, imagine the outcome if the Legislature turned their attention to expanding voting hours, purchasing new elections equipment, educating students on civics, or any number of common sense measures to ensure that all voters' voices are heard and their ballots counted on Election Day.

Kalil is president of the League of Women Voters Minnesota.

Note: this version appeared in the Fargo Forum