

2020 Presidential Nomination Primary Reimbursement Memo and Application Materials

In accordance with the requirements of
Minnesota Statutes section 207A.15

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Section A. Overview of State Law and Rules Regarding Presidential Nomination Primary Reimbursement

In 2016, the Minnesota Legislature passed a law establishing a new Presidential Nomination Primary (PNP) for the allocation of delegates to the national conventions of major political parties. In passing the legislation, the legislature made clear that the state must reimburse local governments for the costs of administering the presidential nomination primary. *See* Minn. Stat. § 207A.15.

The law establishing the PNP sets out specific items that are eligible for reimbursement, and places a maximum reimbursable cost for some items. *See* Minn. Stat. § 207A.15, subd. 2. The law also allowed for reimbursement of additional expenses if approved by the Office of the Secretary of State (OSS). In order to formalize the list of reimbursable expenses, and to properly exercise the discretion afforded to the OSS by the legislature, the OSS engaged in a rulemaking process. *See State Register*, August 5, 2019; Revisor ID No. R- 04620. The rules will not be finalized until early 2020, and therefore the OSS will not be able to affirmatively approve additional expenses until those rules are approved by an administrative law judge. However, for the purpose of this memo, the OSS is assuming that the full scope of reimbursable expenses proposed by the OSS in the rulemaking will be approved.

Our office will contact local jurisdictions immediately if the Administrative Law Judge does not approve the full list of items for reimbursement.

Requests for reimbursement must be submitted by each county and municipality to the OSS within 60 days of the certification of the results of the PNP. The due date for submitting PNP expenses is **Monday, May 11, 2020 at 4:30 p.m.**

All counties and municipalities must separately certify expenses incurred and must individually submit an application requesting reimbursement for those expenses. Importantly, reimbursement requests must include itemized description of actual county or municipal expenditures, including copies of invoices, to support all expenses submitted for reimbursement. See Minn. Stat. § 207A.15, subd. 2(b).

The following expenses eligible for reimbursement, as authorized in Minn. Stat. 207A.15 and the proposed rules in Minn. R. 8215.0700:

Balloting Costs:

- A. **Ballot Preparation Costs:** preparation and printing of ballots;
- B. **UOCAVA Costs:** costs, including envelopes, printing, postage, and associated courier fees related to the distribution and processing of military and overseas voter ballots and ballot materials.
- C. **Mail Balloting Costs:** costs, including envelopes, printing, postage, and associated courier fees related to the distribution and processing of mail ballots and ballot materials;
- D. **Absentee Balloting Costs:** costs, including envelopes, printing, postage, and associated courier fees related to the distribution and processing of absentee ballot materials; and
- E. **Permanent Absentee List Costs:** costs, including envelopes, printing, and postage, for distribution of absentee ballot applications for voters on the permanent absentee list, as described in Minnesota Statutes, section 203B.04, subdivision 5.

Polling Place and Voting Equipment Costs:

- F. **Preparation of Polling Place Costs not to Exceed \$150 Per Polling Place:** costs associated with preparation of polling places, including costs associated with the preparation of an absentee voting location as a polling place, not to exceed \$150 per polling place;
- G. **Electronic Voting System Costs not to Exceed \$100 Per Precinct:** costs associated with preparation of electronic voting systems for polling places, including costs associated with the preparation of electronic voting systems for absentee polling places, not to exceed \$100 per precinct;
- H. **Vehicle Rental Fee Costs for Transporting Equipment and Polling Place Materials:** costs including car or truck rental or trucking fees, related to the transportation of election equipment or polling place materials;

- I. **Polling Place Safety and Security Costs:** costs associated with ensuring the security and safety of the public at the polling place;
- J. **Polling Place Supplies Costs:** costs associated with supplies purchased or rented for the assembly and support of the polling place; and
- K. **Polling Place Internet and Phone Connection Costs:** costs, including secured Internet and phone connections, associated with securing communications at the polling place.

Costs Associated with Election Judges and Staff

- L. **Election Judge Salary Costs:** salaries of election judges, including:
 - compensation for election judges completing required election judge training for preparation for the presidential nomination primary, not to exceed three hours;
 - compensation for election judges completing required health care facility training, not to exceed one hour;
- M. **Election Judge Training Materials Costs:** costs for purchase of materials for any additional election judge training specific to the presidential nomination primary and costs, including envelopes, printing, and postage, for the distribution of election judge materials;
- N. **Mileage Reimbursement:** mileage for travel associated with delivering materials and traveling between polling places and government buildings in preparation of and on election day;
- O. **Parking Reimbursement Costs:** parking reimbursement for election judges on election day;
- P. **Temporary and Overtime Staff Compensation:** compensation for temporary staff or overtime payments; and
- Q. **Canvassing Board Compensation:** compensation of county canvassing board members.

Miscellaneous Costs

- R. **Statutory Notice Costs:** costs for distribution and publication of statutorily mandated public notices, including publication of the sample ballot; and
- S. **Post-Election Materials Storage Costs:** costs, including storage rental fees associated with the physical storage of presidential nomination primary records for at least 22 months from the date of the election, as prescribed in Minnesota Statutes, section 204B.40.

In order to receive reimbursement for these approved PNP expenses, counties and municipalities need to itemize expenses incurred and provide documentation or invoices to support the submitted expenses. Section B of this memo contains the necessary documentation for submitting a reimbursement. Counties and municipalities applying for reimbursement must submit these completed forms and additional required documentation in order for their application to be processed:

- **Cover Sheet** – the cover sheet for each application for reimbursement contains the necessary contact and tax identification information for processing the reimbursement request;
- **Summary of Expenses Submitted for Reimbursement** – this contains a summary of all of the expenses the jurisdiction is submitting for reimbursement, aggregated from the supporting documentation.
- **Certification Statement** – this document must contain a signature of the applicant, certifying that the expenses submitted were incurred by the jurisdiction for the administration of the 2020 Presidential Nomination Primary.
- **Supporting Documentation** – the remainder of the application must contain the documentation supporting the expenses submitted.

The application for reimbursement must be received by the OSS no later than May 11, 2020 at 4:30 p.m. and the OSS must complete the reimbursements by June 8, 2020.

If you have any questions about your application or related materials, please contact the OSS Elections Division at 651-201-1338 or elections.dept@state.mn.us

Section B – Application Instructions and Documents Necessary for Submission

REQUIRED APPLICATION MATERIALS

All applications for reimbursement must contain the following:

1. **Cover Sheet** – this contains relevant information necessary to process the jurisdiction’s reimbursement request.
2. **Summary of Expenses Submitted for Reimbursement** – this contains a summary of all of the expenses the jurisdiction is submitting for reimbursement, aggregated from the supporting documentation.
3. **Certification Statement** – this document must contain a signature of the applicant, certifying that the expenses submitted were incurred by the jurisdiction for the administration of the 2020 Presidential Nomination Primary.
4. **Supporting Documentation** – the remainder of the application must contain the documentation supporting the expenses submitted.

Complete all forms fully. Failure to include any of these completed forms or additional required documentation may result in rejection of the application. If you have any questions about these forms or required materials, contact the number listed below.

HOW TO SUBMIT THE APPLICATION FOR REIMBURSEMENT

Mail the completed application and all accompanying worksheets and documents to:

MN Secretary of State
Attention: PNP Reimbursement Application
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1299

Applications may also be submitted by fax or email. Please follow with hard copy.

Fax: 651-296-9073 or Email: pnp.reimbursement.OSS@state.mn.us

DEADLINE

All applications for reimbursement must be received by the Office of Secretary of State by Monday, May 11, 2020 at 4:30 p.m.

If you have any questions please contact the OSS Elections Division at 651-201-1338 or elections.dept@state.mn.us

Application Cover Sheet

Application for Reimbursement for Expenses Incurred in Administering the 2020 Presidential Nomination Primary

Jurisdiction:
(County, City, or Town)

Name of Individual
Submitting Application:

Title of Individual
Submitting Application:

E-Mail of Individual
Submitting Application:

Phone: Fax:

Federal Tax ID of
Jurisdiction:

Address to Send
Reimbursement*:

** Payments to counties will be issued via EFT to the county treasurer*

** Payments to cities and towns will be issued either by paper warrant or EFT, depending on the city or town*

Total Reimbursement Request:	\$0.00
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Signature of Individual
Submitting Application:

Secretary of State's Office Use Only

Approved in
the Amount of: Approved by:

Date: Signature of Approver:

Payment type:		Vendor #:	Date entered:
Payment #			
FY:	2020	Fund: 2001	Agency: G53
FinDeptID:	G533PNPE	Appr: G53PNPE	Account: 441325
AC1: 56554			

Summary of Expenses Submitted for Reimbursement

[INSERT JURISDICTION NAME]

Expense Reimbursement Summary

Balloting Costs	
A. Ballot Preparation Costs	\$0.00
B. UOCAVA Costs	\$0.00
C. Mail Balloting Costs	\$0.00
D. Absentee Balloting Costs	\$0.00
E. Permanent Absentee List Costs	\$0.00
Total Ballot Costs:	\$0.00

Polling Place and Voting Equipment Costs	
F. Preparation of Polling Place (not to exceed \$150 per polling place)	\$0.00
G. Electronic Voting System Preparation (not to exceed \$100 per precinct)	\$0.00
H. Vehicle Rental Fee Costs for Transporting Equipment and Polling Place Materials	\$0.00
I. Polling Place Safety and Security Costs	\$0.00
J. Polling Place Supplies Costs:	\$0.00
K. Polling Place Internet and Phone Connection Costs	\$0.00
Total Polling Place and Voting Equipment Costs:	\$0.00

Costs Associated with Election Judges and Staff	
L. Election Judge Salary Costs	\$0.00
M. Election Judge Training Materials Costs	\$0.00
N. Mileage Reimbursement	\$0.00
O. Parking Reimbursement Costs	\$0.00
P. Temporary and Overtime Staff Compensation	\$0.00
Q. Canvassing Board Compensation	\$0.00
Total Election Judge Costs and Staff Costs:	\$0.00

Misc. Costs	
R. Statutory Notice Costs	\$0.00
S. Post-Election Materials Storage Costs	\$0.00
Total Misc. Costs:	\$0.00

Total Reimbursement Request:	\$0.00
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Certification Statement

I, county auditor or municipal clerk of the applying jurisdiction, certify that the expenses submitted in this reimbursement application were incurred by the jurisdiction listed below, that these expenses represent the actual costs incurred by the jurisdiction listed below, and that these expenses were incurred solely for the purpose of administering the 2020 Minnesota Presidential Nomination Primary as identified in Minnesota Statutes, Section 207A.15, and Minnesota Rule Part 8215.0700.

I further certify that I am aware of the obligation of the jurisdiction to retain all financial records for a minimum of six (6) years¹ after the date of submission of this application for reimbursement, any of the events listed in footnote one below, or until completion of an audit which has commenced before the expiration of this six-year period, whichever is later, and comply with all other retention and access requirements for records provided in the jurisdiction's retention schedules.

Jurisdiction:
(County, City, or Town)

**Name of County Auditor or
Municipal Clerk Certifying
and Submitting Application:**

**Title of County Auditor or
Municipal Clerk Certifying
and Submitting Application:**

Signature:

Date:

¹ Under Minnesota Statutes, § 16C.05, subd. 5, the jurisdiction's books, records, documents, and accounting procedures and practices relevant to this reimbursement application are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this reimbursement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

Supporting Documentation

Instructions: According to state law, all requests for payment must be accompanied by an itemized description of actual county or municipal expenditures, including copies of invoices. You can use these spreadsheets to provide an itemized description of your county or municipality's actual expenditures, and you should attach documentation of each itemized expenditures. You may choose to use your own spreadsheet or method of itemizing expenses, but if you choose this method the submission must be sufficiently detailed to identify each individual expense and must include corresponding documentation of the expense such as invoices.

Section C: Frequently Asked Questions

Questions on Balloting Costs

Q. Are my vendor costs for ballot design and layout eligible for reimbursement?

A. Yes. If you pay out-of-pocket for ballot design, layout, or other ballot preparation costs, those expenses are reimbursable. However, if you have someone on your staff do this work, and they are not paid overtime for this work, then their work is not reimbursable (see questions on personnel costs, below, for more information on what employee time is and is not reimbursable).

Q. I am struggling to determine how many ballots to print – will I get reimbursed if I print too many ballots?

A. Yes – but it is important to use your best judgment in determining the number of ballots to print. Under Minnesota law, each precinct must be provided with at least 100 ballots for every 85 individuals who voted in that precinct at the previous “similar” election, or in an amount at least 10 percent greater than the number of votes which are reasonably expected to be cast in that precinct, whichever supply of ballots is greater. The last PNP in the State of Minnesota was held almost 30 years ago in 1992 and the statewide turnout was 10.64 percent. It is difficult to gauge the expected turnout of the 2020 PNP in Minnesota because many things have changed since the 1992 PNP. The 2020 PNP is being held on a date that many other states are holding a primary election (greater media coverage for a “super” Tuesday), when a “preferential poll” is not being held at the state caucus meetings, when the major parties have agreed to bind their delegates to the nominees chosen at this primary and in a time when social media influences many demographics of voters. Jurisdictions will ultimately be reimbursed for the ballots that they print, and jurisdictions should use their best judgment in determining the number to print.

Q. How do I document expenses such as postage, when our postage meter is used for items other than PNP work?

A. You will need to track the cost of postage and the number of items you mailed. If your postage meter cannot track postage by category of expense, you can seek reimbursement by identifying the number of items mailed for the PNP and their postage cost for each item. Supporting documentation for this could include documentation of the number of absentee and mail ballots mailed, as well as a certification of the postage amount required for each piece of material.

Q. How do I document expenses such as absentee ballot and mail ballot supplies when I buy my supplies for the year in bulk?

A. You need to break down the per-piece cost. If you buy your supplies in bulk, you can only get reimbursed for those supplies you use for the 2020 PNP. For example, if you buy 5,000 absentee envelopes for the entire calendar year, and you used only 1,200 of them for the PNP, you will only get reimbursed for the cost of those 1,200. This can be a challenge to document,

but sufficient documentation would include the invoice for the printing of the 5,000, a breakdown of the cost per envelope, and information documenting the total number of envelopes used for the PNP. This same type of documentation would apply to other bulk items such as labels, paper, etc.

Q. What is included in the reimbursable costs for “processing” UOCAVA, mail ballots, and absentee ballots?

A. All out-of-pocket costs to process these ballots. This could include the costs of any supplies necessary to process these materials and compensation for overtime, election judge, or temporary staff to process these materials (see questions on personnel costs, below, for more information on what employee time is and is not reimbursable).

Questions on Polling Place and Voting Equipment Costs

Q. What is included in the \$150 limit on the cost associated with the preparation of polling places?

A. Building or location rental. The legislature limited the cost of building or polling place space rental to \$150 per polling place. If your polling place costs \$200 to rent, you will only be reimbursed for \$150. If your polling place is free or costs less than \$150 to rent, you will only be reimbursed for the actual cost of the rental, not to exceed \$150.

Q. What can be reimbursed under the provision allowing for reimbursement of costs associated with ensuring the security and safety of the public at the polling place?

A. This provision includes all costs that are needed and reasonable in order to ensure voters are able to get to the polling place safely, and cast their ballot at the polling place without concerns of their safety or security. Examples of costs included in this category would be snow and ice removal, rental of ramps to allow safe ingress and egress of voters, rental of floor mats to prevent voters from slipping, and other reasonable expenses that would ensure the safety of voters and election judges accessing and within the polling place.

Q. What costs can be reimbursed under the provision allowing for the reimbursement of costs associated with supplies purchased or rented for the assembly and support of the polling place?

A. This includes all supplies necessary for the functioning of a polling place on election day. For example, this would include the costs of printing rosters, same day registration materials, ballot receipts, and other required polling place materials, as well other costs necessary to support the functioning of a polling place. For example, the costs associated with rental of a generator necessary to power an otherwise unpowered polling place would be included, as would the costs of renting tables. Costs that would not be included would be costs associated with the rental of the space itself, or the full costs of items that are purchased but expected to be used over multiple elections. For example, if a jurisdiction were to purchase 100 pens, with the idea that those pens would be used in polling places at the PNP, the August Primary, and

the State General Election, then only 1/3 of the cost of those pens could be allocated to the PNP.

Q. What costs can be reimbursed under the provision allowing for the reimbursement of costs associated with preparation of electronic voting systems, not to exceed \$100 per precinct.

A. The costs associated with programming and testing each tabulator and assistive voting device. The legislature, in capping this amount at \$100, explicitly recognized that this may not fully cover the cost of programming and testing the voting systems used in precincts and in-person absentee locations. While \$100 per precinct will likely not fully cover the cost of programming and testing the equipment, you are still required to submit documentation of your actual out-of-pocket costs to program and test the equipment. Compensation for the staff or individual's time for programming and testing equipment can only be reimbursed if it is temporary or election staff, vendor staff, or done when current staff are on overtime, and is limited to the \$100 per precinct legislative cap on costs.

Q. Is the cost associated with any needed programming of electronic rosters subject to the \$100 per polling place limitation?

A. No. The legislature specifically limited the \$100 cap on programming equipment to "electronic voting systems", and electronic rosters are not defined as an "electronic voting system." Therefore programming and preparation of electronic rosters are not subject to the \$100 cap per precinct.

Q. It costs me more than \$100 to program my central count equipment, and I use the central count equipment for all precincts within my county. Can I get reimbursed for more than \$100 to program my central count equipment?

A. Yes, but with limitations. You are still subject to the \$100 per precinct cap. So if your total cost to program your tabulators, assistive voting devices, and your central count tabulator is less than \$100 multiplied by the number of precincts within your county, then you can be reimbursed for that full cost. Again, you are required to submit documentation of the actual costs to program and test the voting systems, and compensation for the staff or individual's time for programming and testing equipment can only be reimbursed if it is temporary or election staff, vendor staff, or done when current staff are on overtime.

Questions on Personnel Costs

Q. I am going to have to spend a significant portion of my own and my current staff's time working on the PNP – can I get reimbursed for my own time?

A. No. The state legislature specifically limited reimbursement of staff time to overtime, temporary staff costs, and election judge costs. So, if your current staff are required to work overtime in order to administer the PNP, that time can be submitted for reimbursement. Similarly, if you need to hire staff to help administer the PNP, the cost of hiring and paying that

temporary staff may be reimbursed. But you cannot get reimbursed for you and your own staff's time if it is not overtime.

Q. What if I have to hire temporary staff to help me backfill my or my staff's other duties (such as taxes, assessments, etc.), is that reimbursable?

A. No. The law requires that the reimbursable costs be for the administration of the PNP. You cannot get reimbursed for temporary staff or overtime pay if the work is on something other than the PNP.

Q. I pay my head judges at a rate higher than the other election judges, can I get reimbursed for that extra cost?

A. Yes. The law allows you to get reimbursed for the cost of paying your election judges, and does not set a specific salary for election judges. The OSS and the legislature understood that election judge salaries can vary across the state or even within a jurisdiction.

Questions on Miscellaneous Costs

Q. I have expenses that are not covered by any of the categories listed in rule or statute, can I get reimbursed for those?

A. No. The state legislature specifically limited reimbursement to those expenses in statute and approved by the OSS through rulemaking. However, if you have expenses that do not clearly fall within a category, please contact the OSS. The expense categories were designed to be comprehensive and limited only by the legislature's express prohibition on certain items of compensation (staff salaries, polling place rental costs above \$150, etc.), and we recommend that you consult with our office before you determine an expense is clearly outside of the reimbursable costs.