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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1223

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to elections; requiring certain postsecondary institutions to submit
1.3 student residential housing lists; adding certain forms of identification as eligible
1.4 proof of residence; eliminating employee-list submission by residential facility
1.5 operators; requiring challengers to prove residence in Minnesota; amending
1.6 Minnesota Statutes 2006, sections 135A.17, subdivision 2; 201.061, subdivision
1.7 3; 204C.07, subdivision 3a; 204C.12, subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2006, section 135A.17, subdivision 2, is amended to
1.10 read:

1.11 Subd. 2. Residential housing list. All public postsecondary institutions that
1.12 enroll students accepting state or federal financial aid may in the state, and all private
1.13 postsecondary institutions regulated by chapter 136A or 141, must prepare a current list of
1.14 students enrolled in the institution and residing in the institution's housing or within ten
1.15 miles of the institution's campus; the county or city where one or more of the institution's
1.16 campuses are located. Institutions that do not consider student addresses to be public
1.17 information under applicable federal and state privacy laws must make release forms
1.18 available to all students authorizing the institution to provide the addresses to the secretary
1.19 of state. The list shall include each student's current address; must be based on the most
1.20 recent residence address in this state that the student has provided to the institution. A
1.21 student may submit a written request to the institution to withhold the student's name and
1.22 address from the list no later than 45 days before the next state or city general election
1.23 in the jurisdiction where the campus is located. The list shall be certified and sent to the
1.24 appropriate county auditor or auditors secretary of state for use in election day registration
1.25 as provided under section 201.061, subdivision 3. The electronic format must be mutually

2.1 agreed to by Minnesota State Colleges and Universities, the University of Minnesota,
2.2 the Private College Association, and the secretary of state. At least 14 days before the
2.3 election, the secretary of state shall provide the appropriate county auditor with a single
2.4 list for each precinct that includes the names of all students provided by the postsecondary
2.5 institutions for that election. The format of the list provided to county auditors must be
2.6 mutually agreed upon by the Association of Minnesota Counties and the secretary of state.

2.7 Sec. 2. Minnesota Statutes 2006, section 201.061, subdivision 3, is amended to read:

2.8 Subd. 3. **Election day registration.** (a) The definitions in this paragraph apply
2.9 to this subdivision:

2.10 (1) "current" means dated within 30 days before the election day or due within 30
2.11 days before or after the election;

2.12 (2) "photo identification" means identification that displays the name and photo
2.13 of an individual and that was issued by:

2.14 (i) another state for use as a driver's license or identification card; or

2.15 (ii) a college, university, or other postsecondary educational institution or high
2.16 school as a student identification card;

2.17 (3) "residential facility" means transitional housing as defined in section 256E.33,
2.18 subdivision 1; a supervised living facility licensed by the commissioner of health under
2.19 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
2.20 5; a residence registered with the commissioner of health as a housing with services
2.21 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
2.22 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
2.23 licensed by the commissioner of human services to provide a residential program as
2.24 defined in section 245A.02, subdivision 14; a residential facility for persons with a
2.25 developmental disability licensed by the commissioner of human services under section
2.26 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter
2.27 for battered women as defined in section 611A.37, subdivision 4; or a supervised
2.28 publicly or privately operated shelter or dwelling designed to provide temporary living
2.29 accommodations for the homeless;

2.30 (4) "Social Security statement" means a check statement, check stub, or electronic
2.31 deposit receipt issued by the Social Security Administration; and

2.32 (5) "utility bill" means a written or electronic bill for gas, electricity, telephone,
2.33 wireless telephone, cable television, satellite television, solid waste, water, sewer services,
2.34 or an itemized lease.

3.1 **(b)** An individual who is eligible to vote may register on election day by appearing
3.2 in person at the polling place for the precinct in which the individual maintains residence,
3.3 by completing a registration application, making an oath in the form prescribed by the
3.4 secretary of state and providing proof of residence. An individual may prove residence for
3.5 purposes of registering by:

3.6 (1) presenting a driver's license or Minnesota identification card issued pursuant
3.7 to section 171.07;

3.8 **(2)** presenting a photo identification along with a current utility bill, Social Security
3.9 statement, or other governmental document that shows the individual's name and valid
3.10 residential address in the precinct;

3.11 ~~(2)~~ **(3)** presenting any document approved by the secretary of state as proper
3.12 identification;

3.13 ~~(3)~~ **(4)** presenting one of the following:

3.14 (i) a current valid student identification card from a postsecondary educational
3.15 institution in Minnesota, if a list of students from that institution has been prepared under
3.16 section 135A.17 and certified to the county auditor in the manner provided in rules of
3.17 the secretary of state; or

3.18 (ii) a current student fee statement that contains the student's valid address in the
3.19 precinct together with a picture identification card; or

3.20 ~~(4)~~ **(5)(i)** having a voter who is registered to vote in the precinct, or who is an
3.21 employee employed by and working in a residential facility in the precinct and vouching
3.22 for a resident in the facility, sign an oath in the presence of the election judge vouching that
3.23 the voter or employee personally knows that the individual is a resident of the precinct. A
3.24 voter who has been vouched for on election day may not sign a proof of residence oath
3.25 vouching for any other individual on that election day. A voter who is registered to vote
3.26 in the precinct may sign up to 15 proof-of-residence oaths on any election day. This
3.27 limitation does not apply to an employee of a residential facility described in this clause.

3.28 **(ii)** The secretary of state shall provide a form for election judges to use in recording
3.29 the number of individuals for whom a voter signs proof-of-residence oaths on election
3.30 day. The form must include space for the maximum number of individuals for whom a
3.31 voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form
3.32 must include a statement that the voter is registered to vote in the precinct, personally
3.33 knows that the individual is a resident of the precinct, and is making the statement on
3.34 oath. The form must include a space for the voter's printed name, signature, telephone
3.35 number, and address.

4.1 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must
 4.2 be attached to the voter registration application and the information on the oath must be
 4.3 recorded on the records of both the voter registering on election day and the voter who
 4.4 is vouching for the person's residence, and entered into the statewide voter registration
 4.5 system by the county auditor when the voter registration application is entered into that
 4.6 system.

4.7 ~~(b) The operator of a residential facility shall prepare a list of the names of its~~
 4.8 ~~employees currently working in the residential facility and the address of the residential~~
 4.9 ~~facility. The operator shall certify the list and provide it to the appropriate county auditor~~
 4.10 ~~no less than 20 days before each election for use in election day registration.~~

4.11 ~~(c) "Residential facility" means transitional housing as defined in section 256E.33;~~
 4.12 ~~subdivision 1; a supervised living facility licensed by the commissioner of health under~~
 4.13 ~~section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision~~
 4.14 ~~5; a residence registered with the commissioner of health as a housing with services~~
 4.15 ~~establishment as defined in section 144D.01, subdivision 4; a veterans home operated by~~
 4.16 ~~the board of directors of the Minnesota Veterans Homes under chapter 198; a residence~~
 4.17 ~~licensed by the commissioner of human services to provide a residential program as~~
 4.18 ~~defined in section 245A.02, subdivision 14; a residential facility for persons with a~~
 4.19 ~~developmental disability licensed by the commissioner of human services under section~~
 4.20 ~~252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter~~
 4.21 ~~for battered women as defined in section 611A.37, subdivision 4; or a supervised~~
 4.22 ~~publicly or privately operated shelter or dwelling designed to provide temporary living~~
 4.23 ~~accommodations for the homeless.~~

4.24 (c) An employee of a residential facility must prove employment with that
 4.25 facility by presenting a current identification card issued by the facility or other official
 4.26 documentation verifying the employee's current status with the facility on election day to
 4.27 be eligible to vouch for individuals residing in that facility.

4.28 (d) For tribal band members, an individual may prove residence for purposes of
 4.29 registering by:

4.30 (1) presenting an identification card issued by the tribal government of a tribe
 4.31 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
 4.32 contains the name, address, signature, and picture of the individual; or

4.33 (2) presenting an identification card issued by the tribal government of a tribe
 4.34 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
 4.35 contains the name, signature, and picture of the individual and also presenting one of the
 4.36 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

5.1 (e) A county, school district, or municipality may require that an election judge
5.2 responsible for election day registration initial each completed registration application.

5.3 Sec. 3. Minnesota Statutes 2006, section 204C.07, subdivision 3a, is amended to read:

5.4 Subd. 3a. **Residence requirement.** A challenger must be a resident of this state.
5.5 Appointed challengers seeking admission to a polling place to serve in that capacity must
5.6 prove their status as a resident of this state by presenting one of the documents listed in
5.7 section 201.061, subdivision 3, paragraph (b), clauses (1) to (4). Challengers need not
5.8 prove residence in the precinct in which they seek to act as a challenger.

5.9 Sec. 4. Minnesota Statutes 2006, section 204C.12, subdivision 2, is amended to read:

5.10 Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state.
5.11 The secretary of state shall prepare a form that challengers must complete and sign when
5.12 making a challenge. The form must include space to state the ground for the challenge,
5.13 a statement that the challenge is based on the challenger's personal knowledge, and a
5.14 statement that the challenge is made under oath, swearing that the challenger understands
5.15 and will abide by the laws and rules governing challenges to voters as described in this
5.16 section, and challengers, as described in this section and in section 204C.07. The form
5.17 must include a space for the challenger's printed name, signature, telephone number,
5.18 and address.

5.19 An election judge shall administer to the challenged individual the following oath:

5.20 "Do you solemnly swear that you will fully and truly answer all questions put to
5.21 you concerning your eligibility to vote at this election?"

5.22 The election judge shall then ask the challenged individual sufficient questions to
5.23 test that individual's residence and right to vote.