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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 1546

March 1, 2007

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

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

March 3, 2008

By motion, recalled and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to elections; providing for automatic voter registration of applicants for a
1.3 driver's license, instruction permit, or identification card; appropriating money;
1.4 amending Minnesota Statutes 2006, sections 201.12; 201.13, subdivision 3;
1.5 201.161.

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

1.7 Section 1. Minnesota Statutes 2006, section 201.12, is amended to read:

1.8 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**
1.9 **CHALLENGES.**

1.10 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate
1.11 excess names, the county auditor may mail to any registered voter a notice stating the
1.12 voter's name and address as they appear in the registration files. The notice shall request
1.13 the voter to notify the county auditor if there is any mistake in the information.

1.14 Subd. 2. **Challenges Moved within state.** If the notice is returned as undeliverable
1.15 but with a permanent forwarding address in this state, the county auditor shall notify the
1.16 auditor of the county where the voter resides. Upon receipt of the notice, the county
1.17 auditor shall update the voter's address in the statewide voter registration system and mail
1.18 to the voter the notice of registration required by section 201.121, subdivision 2. The
1.19 notice must advise the voter that the voter's voting address has been changed and that the
1.20 voter must notify the county auditor within 21 days if the new address is not what the
1.21 voter intended to be their permanent address.

1.22 Subd. 3. **Moved out of state.** If the notice is returned as undeliverable but with a
1.23 permanent forwarding address outside this state, the county auditor shall promptly mail
1.24 to the voter at the forwarding address a notice advising the voter that the voter's voter

2.1 registration in this state will be deleted unless the voter notifies the county auditor within
2.2 21 days that the voter intends to retain the former address as the voter's permanent address.
2.3 If the notice is not received by the deadline, the county auditor shall delete the registration.

2.4 ~~Subd. 4. **Challenges.** Upon return of any nonforwardable mailing from an~~
2.5 ~~election official, the county auditor or the auditor's staff shall ascertain the name and~~
2.6 ~~address of that individual. If the individual is no longer at the address recorded in the~~
2.7 ~~statewide registration system~~ If the notice is returned as undeliverable but with no
2.8 forwarding address, the county auditor shall change the registrant's status to "challenged"
2.9 in the statewide registration system. An individual challenged in accordance with this
2.10 subdivision shall comply with the provisions of section 204C.12, before being allowed to
2.11 vote. If a notice mailed at least 60 days after the return of the first nonforwardable mailing
2.12 is also returned by the postal service, the county auditor shall change the registrant's status
2.13 to "inactive" in the statewide registration system.

2.14 Sec. 2. Minnesota Statutes 2006, section 201.13, subdivision 3, is amended to read:

2.15 ~~Subd. 3. **Use of change of address system.** The county auditor may delete the~~
2.16 ~~records in the statewide registration system of voters whose change of address can be~~
2.17 ~~confirmed by the United States Postal Service. The secretary of state may provide the~~
2.18 ~~county auditors with periodic reports on voters whose change of address can be confirmed~~
2.19 ~~by the United States Postal Service.~~

2.20 (a) At least once each month the secretary of state shall obtain a list of individuals in
2.21 this state who have filed with the United States Postal Service a change of their permanent
2.22 address. If an individual is registered as a voter in the statewide voter registration system
2.23 and the change is to another address in this state, the secretary of state shall transmit
2.24 the registration by electronic means to the county auditor of the county where the voter
2.25 resides. Upon receipt of the registration, the county auditor shall update the voter's
2.26 address in the statewide voter registration system and mail to the voter the notice of
2.27 registration required by section 201.121, subdivision 2. The notice must advise the voter
2.28 that the voter's permanent address has been changed and that the voter must notify the
2.29 county auditor within 21 days if the new address is not what the voter intended to be the
2.30 voter's permanent address.

2.31 (b) If the change of permanent address is to a forwarding address outside this state,
2.32 the secretary of state shall notify by electronic means the auditor of the county where the
2.33 voter formerly resided that the voter has left the state. The county auditor shall promptly
2.34 mail to the voter at the forwarding address a notice advising the voter that the voter's voter
2.35 registration in this state will be deleted unless the voter notifies the county auditor within

3.1 21 days that the voter intends to retain the former address as the voter's permanent address.
3.2 If the notice is not received by the deadline, the county auditor shall delete the registration.

3.3 Sec. 3. Minnesota Statutes 2006, section 201.161, is amended to read:

3.4 **201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE,**
3.5 **INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS**
3.6 **APPLICANTS.**

3.7 Subdivision 1. **Automatic registration.** An individual who properly completes
3.8 an application for a new or renewed Minnesota driver's license, instruction permit, or
3.9 identification card, and who is eligible to vote under section 201.014, must be registered to
3.10 vote as provided in this section, unless the applicant declines to be registered.

3.11 Subd. 2. **Applications.** The ~~Department~~ commissioner of public safety, in
3.12 consultation with the secretary of state, shall change ~~its~~ the applications for an original,
3.13 duplicate, or change of address driver's license, instruction permit, or identification card so
3.14 that the forms may also serve as voter registration applications. The forms must contain
3.15 spaces for all information collected by voter registration applications prescribed by the
3.16 secretary of state and a box for the applicant to decline to be registered to vote. ~~Applicants~~
3.17 ~~for driver's licenses or identification cards must be asked if they want to register to vote~~
3.18 ~~at the same time and that~~ If the applicant has not declined to be registered to vote, the
3.19 ~~commissioner shall transmit the information must be transmitted at least weekly~~ daily by
3.20 electronic means to the secretary of state. Pursuant to the Help America Vote Act of 2002,
3.21 Public Law 107-252, the computerized driver's license record containing the voter's name,
3.22 address, date of birth, citizenship, driver's license number or state identification number,
3.23 county, ~~town,~~ and city or town, and signature must be made available for access by the
3.24 secretary of state and interaction with the statewide voter registration system.

3.25 Subd. 3. **Registration.** (a) The secretary of state shall determine whether the
3.26 applicant is currently registered in the statewide voter registration system. For each
3.27 currently registered voter whose registration is not changed, the secretary of state shall
3.28 update the voter's registration date in the statewide voter registration system. For each
3.29 currently registered voter whose registration is changed, the secretary of state shall
3.30 transmit the registration daily by electronic means to the county auditor of the county
3.31 where the voter resides.

3.32 (b) If the applicant is not currently registered in the statewide voter registration
3.33 system, the secretary of state shall determine whether the applicant is 18 years of age or
3.34 older and a citizen of the United States and compare the voter registration information
3.35 received from the commissioner of public safety with the information on wards,

4.1 incompetents, and felons received from the state court administrator under sections 201.15
4.2 and 201.155, to determine whether the applicant is eligible to vote. If an applicant is
4.3 less than 18 years of age, the secretary of state shall wait until the applicant has turned
4.4 18 years of age to determine whether the applicant is eligible to vote. For each applicant
4.5 the secretary of state determines is an eligible voter, the secretary of state shall transmit
4.6 the registration daily by electronic means to the county auditor of the county where the
4.7 voter resides.

4.8 Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to
4.9 the voter the notice of registration required by section 201.121, subdivision 2.

4.10 Subd. 5. **Effective date.** An application for registration that is dated during the 20
4.11 days before an election in any jurisdiction within which the voter resides is not effective
4.12 until the day after the election.

4.13 **Sec. 4. APPROPRIATIONS.**

4.14 Subdivision 1. **Secretary of state.** \$...,000,000 is appropriated from the general fund
4.15 to the secretary of state to design and install an automatic voter registration system under
4.16 this act to be available until June 30, 2009.

4.17 Subd. 2. **Commissioner of public safety.** \$...,000 is appropriated from the general
4.18 fund to the commissioner of public safety to revise the form of the driver's license,
4.19 instruction permit, and state identification card applications and to facilitate the electronic
4.20 exchange of voter registration information with the secretary of state as required by
4.21 section 3 to be available until June 30, 2009.

4.22 Subd. 3. **Supreme Court.** \$...,000 is appropriated from the general fund to the
4.23 Supreme Court to pay costs incurred by the state court administrator in providing
4.24 information on wards, incompetents, and felons to the secretary of state for the purpose of
4.25 automatic voter registration under this act to be available until June 30, 2009.

4.26 **Sec. 5. EFFECTIVE DATE.**

4.27 Subdivision 1. **Generally.** This act is effective August 1, 2007, except as provided
4.28 in this section.

4.29 Subd. 2. **Automatic registration.** An applicant for a Minnesota driver's license,
4.30 instruction permit, or identification card must not be registered to vote under section
4.31 3 until the secretary of state has certified that the system for automatic registration of
4.32 those applicants has been tested and shown to properly determine whether an applicant
4.33 is eligible to vote.