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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **545**

February 5, 2009

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

1.1 A bill for an act  
1.2 relating to elections; requiring notice of restoration of civil rights; amending  
1.3 Minnesota Statutes 2008, sections 201.014, subdivision 2; 201.091, by adding a  
1.4 subdivision; 201.155; 203B.02, subdivision 1; 609.165, subdivision 1; proposing  
1.5 coding for new law in Minnesota Statutes, chapters 243; 630; 631.

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

1.7 Section 1. Minnesota Statutes 2008, section 201.014, subdivision 2, is amended to read:

1.8 Subd. 2. **Not eligible.** The following individuals are not eligible to vote: ~~Any~~  
1.9 ~~individual:~~

1.10 (a) an individual convicted of treason or any felony whose civil rights have not  
1.11 been restored;

1.12 (b) an individual under a guardianship in which the court order revokes the ward's  
1.13 right to vote; or

1.14 (c) an individual found by a court of law to be legally incompetent.

1.15 Sec. 2. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision  
1.16 to read:

1.17 Subd. 8a. **Correctional facilities; probation and parole officers.** (a) The chief  
1.18 executive officer of each correctional facility licensed under chapter 241 shall designate  
1.19 an official within the facility to answer questions about and accept voter registration  
1.20 applications from inmates who have been discharged and restored to civil rights. The  
1.21 chief executive officer must provide the notice of restoration of civil rights as provided  
1.22 in section 243.205.

2.1           (b) All probation and parole officers must be available to answer questions, provide  
2.2           notice as required by section 243.205, and accept voter registration applications from  
2.3           individuals subject to their authority who are restored to civil rights.

2.4           (c) The official or officer must maintain an adequate supply of voter registration  
2.5           applications and informational materials for this purpose. Upon receipt, the officer or  
2.6           designated official shall immediately transmit a completed voter registration application  
2.7           to the secretary of state.

2.8           Sec. 3. Minnesota Statutes 2008, section 201.155, is amended to read:

2.9           **201.155 REPORT ON FELONY CONVICTIONS.**

2.10           Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court  
2.11           administrator shall report monthly by electronic means to the secretary of state the name,  
2.12           address, date of birth, date of sentence, effective date of the sentence, and county in which  
2.13           the conviction occurred of each person who has been convicted of a felony and sentenced  
2.14           to a period of incarceration. The state court administrator shall also report the name,  
2.15           address, and date of birth of each person previously convicted of a felony whose civil  
2.16           rights have been restored. The secretary of state shall determine if any of the persons in  
2.17           the report is registered to vote and shall prepare a list of those registrants for each county  
2.18           auditor. The county auditor shall change the status of those registrants in the appropriate  
2.19           manner in the statewide registration system.

2.20           Sec. 4. Minnesota Statutes 2008, section 203B.02, subdivision 1, is amended to read:

2.21           Subdivision 1. **Unable to go to polling place.** (a) Any eligible voter who reasonably  
2.22           expects to be unable to go to the polling place on election day in the precinct where the  
2.23           individual maintains residence because of absence from the precinct; illness, including  
2.24           isolation or quarantine under sections 144.419 to 144.4196 or United States Code, title  
2.25           42, sections 264 to 272; disability; religious discipline; observance of a religious holiday;  
2.26           detention in a correctional facility, so long as the voter maintains the right to vote; or  
2.27           service as an election judge in another precinct may vote by absentee ballot as provided  
2.28           in sections 203B.04 to 203B.15.

2.29           (b) If the governor has declared an emergency and filed the declaration with the  
2.30           secretary of state under section 12.31, and the declaration states that the emergency has  
2.31           made it difficult for voters to go to the polling place on election day, any voter in a  
2.32           precinct covered by the declaration may vote by absentee ballot as provided in sections  
2.33           203B.04 to 203B.15.

3.1       Sec. 5. **[243.205] DISCHARGE; NOTICE OF RESTORATION OF RIGHT TO**  
3.2 **VOTE.**

3.3           Subdivision 1. **Notice requirement.** (a) A notice of restoration of civil rights must  
3.4 be provided as follows:

3.5           (1) the chief executive officer of a correctional facility licensed under chapter  
3.6 241 must provide the notice as provided in subdivision 2 when, following a period of  
3.7 incarceration for a felony offense, an inmate is discharged from the correctional facility,  
3.8 is no longer under the custody of the commissioner of corrections, and is not subject to  
3.9 probation, parole, supervised release, or conditional release; and

3.10          (2) a probation or parole officer must provide the notice as provided in subdivision  
3.11 2 when an individual is discharged after expiration of the individual's probation, parole,  
3.12 conditional release, or supervised release.

3.13          (b) The notice statement must be provided at the time of an inmate's discharge from  
3.14 a correctional facility or the expiration of an individual's parole, probation, conditional  
3.15 release, or supervised release, whichever is later. A voter registration application may also  
3.16 be made available at the time the notice is provided.

3.17          Subd. 2. **Form of notice.** The notice required by subdivision 1 must appear  
3.18 substantially as follows:

3.19                   **"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING**  
3.20 **YOUR RIGHT TO VOTE.**

3.21          Your final discharge today means that your civil rights have been automatically  
3.22 restored. This includes a restoration of your right to vote in Minnesota. Before you can  
3.23 vote on election day, you still need to register to vote. To register, you can complete a voter  
3.24 registration application and return it to the Office of the Minnesota Secretary of State. You  
3.25 can also register to vote in your polling place on election day. You will not be permitted to  
3.26 cast a ballot until you register to vote. The first time you appear at your polling place to  
3.27 cast a ballot, you may be required to provide proof of your current residence."

3.28          Subd. 3. **Failure to provide notice.** A failure to provide proper notice as required  
3.29 by this section does not prevent the restoration of an inmate's civil rights upon discharge.

3.30       Sec. 6. Minnesota Statutes 2008, section 609.165, subdivision 1, is amended to read:

3.31           Subdivision 1. **Restoration.** When a person has been deprived of civil rights  
3.32 by reason of conviction of a crime and is thereafter discharged, such discharge shall  
3.33 restore the person to all civil rights and to full citizenship, with full right to vote and hold  
3.34 office, the same as if such conviction had not taken place, and the order of discharge

4.1 shall so provide. The order of discharge shall contain the notice of restoration statement  
4.2 as required by section 243.205.

4.3 Sec. 7. **[630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON**  
4.4 **CONVICTION.**

4.5 At the time of arraignment, prior to the court's acceptance of a plea from the  
4.6 defendant, the court must notify the defendant that a guilty plea or conviction following  
4.7 trial will result in a loss of the defendant's civil rights, including the right to vote, if  
4.8 the defendant is incarcerated in a correctional facility or placed on probation, parole,  
4.9 supervised release, or conditional release.

4.10 Sec. 8. **[631.405] NOTICE OF LOSS OF CIVIL RIGHTS.**

4.11 Prior to imposition of a sentence upon conviction of a felony, the court shall notify  
4.12 the defendant that the sentence will result in a loss of the defendant's civil rights, including  
4.13 the right to vote, for as long as the defendant is serving the sentence, including while the  
4.14 defendant is serving probation, parole, supervised release, or conditional release. The  
4.15 court must also notify the defendant that the defendant's civil rights will be automatically  
4.16 restored upon discharge from the correctional facility, or placement on parole, probation,  
4.17 supervised release, or conditional release from the facility.

4.18 Sec. 9. **DUTIES OF SECRETARY OF STATE.**

4.19 (a) The secretary of state shall develop and implement a program to educate  
4.20 attorneys, judges, election officials, correction officials, parole and probation officers, and  
4.21 members of the public about the requirements of this act. The program must ensure that:

4.22 (1) judges are informed of their obligation to notify criminal defendants of the  
4.23 potential loss and restoration of their voting rights;

4.24 (2) the Department of Corrections and officials within each correctional facility  
4.25 are prepared to assist an inmate who is restored to civil rights in completing a voter  
4.26 registration application, providing additional informational materials as necessary, and  
4.27 transmitting a completed application to the secretary of state;

4.28 (3) probation and parole officers are informed of the changes in the law and are  
4.29 prepared to notify persons under conditional release, supervised release, probation, or  
4.30 parole supervision of their voting rights; and

4.31 (4) accurate and complete information about the voting rights of people who have  
4.32 been charged with or convicted of a crime is made available, in a single publication, to  
4.33 government officials and members of the public.

5.1            (b) The secretary of state may adopt rules as necessary to implement the  
5.2            requirements of this act.

5.3            Sec. 10. **EFFECTIVE DATE.**

5.4            Sections 1 to 9 are effective August 1, 2009.