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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1053**

February 23, 2009

Authored by Simon, Winkler, Hansen, Howes, Slocum and others
The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

March 23, 2009

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Finance

May 12, 2009

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Ways and Means

May 12, 2009

Committee Recommendation and Adoption of Report:
To Pass
Read Second Time

1.1 A bill for an act
1.2 relating to elections; requiring certain public officials to provide additional data
1.3 to the secretary of state for use in maintaining the voter registration system;
1.4 providing for automatic voter registration of applicants for a driver's license,
1.5 instruction permit, or identification card; changing certain notice requirements;
1.6 amending Minnesota Statutes 2008, sections 201.121, subdivision 2; 201.13,
1.7 by adding a subdivision; 201.14; 201.15, subdivisions 1, 2; 201.155; 201.161;
1.8 204C.08, by adding a subdivision; proposing coding for new law in Minnesota
1.9 Statutes, chapter 201.

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

1.11 Section 1. Minnesota Statutes 2008, section 201.121, subdivision 2, is amended to read:

1.12 Subd. 2. **Notice of registration; challenges.** The county auditor shall mail a notice
1.13 indicating the individual's name, address, precinct and polling place to each registered
1.14 voter. The notice must inform the voter that, if eligible, the voter is now registered to
1.15 vote, that it is a felony to vote if an individual is not eligible, and that the voter should
1.16 immediately call the voter registration office if the voter is not eligible or does not want to
1.17 be registered to vote. The notice must contain a description of voter eligibility criteria
1.18 and appropriate contact information for the Office of the County Auditor. The notice
1.19 shall indicate that it must be returned if it is not deliverable to the voter at the named
1.20 address. Upon return of the notice by the postal service, the county auditor shall change
1.21 the registrant's status to "challenged" in the statewide registration system. An individual
1.22 challenged in accordance with this subdivision shall comply with the provisions of section
1.23 204C.12, before being allowed to vote.

1.24 Sec. 2. Minnesota Statutes 2008, section 201.13, is amended by adding a subdivision
1.25 to read:

2.1 Subd. 1a. **Social Security Administration; reports of deceased residents.** The
 2.2 secretary of state shall determine if any of the persons listed on the Social Security
 2.3 Death Index are registered to vote and prepare a list of those registrants for each county
 2.4 auditor. The county auditor shall change the status of those registrants to "deceased"
 2.5 in the statewide voter registration system.

2.6 Sec. 3. Minnesota Statutes 2008, section 201.14, is amended to read:

2.7 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 2.8 **CHANGES OF NAMES.**

2.9 The state court administrator ~~of district court in each county~~ shall regularly report
 2.10 ~~monthly~~ by electronic means to the ~~county auditor~~ secretary of state the name ~~and~~, address,
 2.11 and, if available, driver's license or state identification card number of each individual,
 2.12 18 years of age or over, ~~who maintains residence in that county and~~ whose name was
 2.13 changed during the month preceding the date of the report, by marriage, divorce or any
 2.14 order or decree of the court. The secretary of state shall determine if any of the persons in
 2.15 the report are registered to vote under their previous name and shall prepare a list of those
 2.16 registrants for each county auditor. Upon receipt of the ~~report list~~, the county auditor shall
 2.17 ~~notify by mail each registered voter whose name was changed that it will be necessary to~~
 2.18 ~~reregister under the changed name in order to vote~~ make the change in the voter's record
 2.19 and mail to the voter the notice of registration required by section 201.121, subdivision 2.

2.20 **EFFECTIVE DATE.** This section is effective the day following final certification
 2.21 by the secretary of state that the statewide voter registration system has been tested and is
 2.22 capable of performing the functions required by this section.

2.23 Sec. 4. Minnesota Statutes 2008, section 201.15, subdivision 1, is amended to read:

2.24 Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America
 2.25 Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly
 2.26 by electronic means to the secretary of state the name, address, ~~and~~ date of birth, and, if
 2.27 available, driver's license or state identification card number of each individual 18 years of
 2.28 age or over, who during the month preceding the date of the report:

2.29 ~~(a)~~ (1) was placed under a guardianship in which the court order revokes the ward's
 2.30 right to vote; or

2.31 ~~(b)~~ (2) was adjudged legally incompetent.

2.32 The court administrator shall also report the same information for each individual
 2.33 transferred to the jurisdiction of the court who meets a condition specified in clause ~~(a)~~

3.1 (1) or ~~(b)~~ (2). The secretary of state shall determine if any of the persons in the report is
3.2 registered to vote and shall prepare a list of those registrants for the county auditor. The
3.3 county auditor shall change the status on the record in the statewide registration system
3.4 of any individual named in the report to indicate that the individual is not eligible to
3.5 reregister or vote.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.7 Sec. 5. Minnesota Statutes 2008, section 201.15, subdivision 2, is amended to read:

3.8 Subd. 2. **Guardianship termination or modification.** Pursuant to the Help
3.9 America Vote Act of 2002, Public Law 107-252, the state court administrator shall report
3.10 monthly by electronic means to the secretary of state the name, address, ~~and~~ date of birth,
3.11 and, if available, driver's license or state identification card number of each individual
3.12 whose guardianship was modified to restore the ward's right to vote or whose guardianship
3.13 was terminated by order of the court under section 524.5-317 after being ineligible to vote
3.14 for any of the reasons specified in subdivision 1. The secretary of state shall determine
3.15 if any of the persons in the report is registered to vote and shall prepare a list of those
3.16 registrants for the county auditor. The county auditor shall change the status on the voter's
3.17 record in the statewide registration system to "active."

3.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.19 Sec. 6. Minnesota Statutes 2008, section 201.155, is amended to read:

3.20 **201.155 REPORT ON FELONY CONVICTIONS.**

3.21 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court
3.22 administrator shall report monthly by electronic means to the secretary of state the name,
3.23 address, date of birth, and, if available, driver's license or state identification card number,
3.24 date of sentence, effective date of the sentence, and county in which the conviction
3.25 occurred of each person who has been convicted of a felony. The state court administrator
3.26 shall also report the name, address, and date of birth of each person previously convicted
3.27 of a felony whose civil rights have been restored. The secretary of state shall determine
3.28 if any of the persons in the report is registered to vote and shall prepare a list of those
3.29 registrants for each county auditor. The county auditor shall change the status of those
3.30 registrants in the appropriate manner in the statewide registration system.

3.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.1 **Sec. 7. [201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

4.2 As required by the Help America Vote Act of 2002, Public Law 107-252, the
4.3 commissioner of corrections shall make electronic data available to the secretary of
4.4 state on individuals 18 years of age or older who are currently serving felony sentences
4.5 under the commissioner's jurisdiction. The data must include the name, date of birth,
4.6 state identification number, and if available, the driver's license or state identification
4.7 card number.

4.8 At least monthly, the secretary of state must determine:

4.9 (1) if any individual with an active voter registration in the statewide registration
4.10 system is currently serving a felony sentence under the commissioner's jurisdiction and
4.11 the individual's voter record does not already have a challenged status due to a felony
4.12 conviction;

4.13 (2) if any individual with an active voter registration in the statewide registration
4.14 system who is currently serving a felony sentence under the commissioner's jurisdiction
4.15 appears to have registered or to have voted during a period when the individual's civil
4.16 rights were revoked; and

4.17 (3) if any individual with a voter record that has a challenged status due to a felony
4.18 conviction who was serving a felony sentence under the commissioner's jurisdiction
4.19 has been discharged from that sentence.

4.20 The secretary of state shall prepare a list of the registrants included under clause (1),
4.21 (2), or (3), for each county auditor. For individuals under clause (1), the county auditor
4.22 shall challenge the individual's record in the statewide registration system. The county
4.23 auditor must provide information to the county attorney about individuals under clause
4.24 (2) for the county attorney's investigation. For individuals under clause (3), the county
4.25 auditor must determine if the challenge status should be removed from the voter record
4.26 for the individual, and if so, must remove the challenge.

4.27 **EFFECTIVE DATE.** This section is effective the day following final certification
4.28 by the secretary of state that the statewide voter registration system has been tested and is
4.29 capable of performing the functions required by this section.

4.30 **Sec. 8. [201.158] USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

4.31 As required by the Help America Vote Act of 2002, Public Law 107-252, the
4.32 commissioner of public safety shall make electronic data on citizenship available to the
4.33 secretary of state. At least monthly, the secretary of state must determine whether the data
4.34 indicate that any individuals who have active records in the statewide voter registration
4.35 system are not citizens. The secretary of state shall prepare an electronic list of those

5.1 voters for each county auditor. The county auditor shall change the status of those
 5.2 registrants in the statewide registration system to reflect that they are challenged based
 5.3 upon their citizenship and must notify the county attorney.

5.4 Sec. 9. Minnesota Statutes 2008, section 201.161, is amended to read:

5.5 **201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE,**
 5.6 **INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS**
 5.7 **APPLICANTS.**

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

5.12 Subd. 2. **Applications.** The ~~Department~~ commissioner of public safety, in
 5.13 consultation with the secretary of state, shall change ~~its~~ the applications for an original,
 5.14 duplicate, or change of address driver's license, instruction permit, or identification card so
 5.15 that the forms may also serve as voter registration applications. The forms must contain
 5.16 spaces for all information collected by voter registration applications prescribed by the
 5.17 secretary of state and a box for the applicant to decline to be registered to vote. ~~Applicants~~
 5.18 ~~for driver's licenses or identification cards must be asked if they want to register to vote~~
 5.19 ~~at the same time and that~~ Unless the applicant has declined to be registered to vote or
 5.20 has provided an address other than the applicant's address of residence under section
 5.21 171.12, subdivision 7, paragraph (d), the commissioner shall transmit the information
 5.22 ~~must be transmitted at least weekly~~ daily by electronic means to the secretary of state.
 5.23 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized
 5.24 driver's license record containing the voter's name, address, date of birth, citizenship,
 5.25 driver's license number or state identification number, county, ~~town, and city~~ or town, and
 5.26 signature must be made available for access by the secretary of state and interaction
 5.27 with the statewide voter registration system.

5.28 Subd. 3. **Registration.** (a) The secretary of state shall determine whether the
 5.29 applicant is currently registered in the statewide voter registration system. For each
 5.30 currently registered voter whose registration is not changed, the secretary of state shall
 5.31 update the voter's registration date in the statewide voter registration system. For each
 5.32 currently registered voter whose registration is changed, the secretary of state shall
 5.33 transmit the registration daily by electronic means to the county auditor of the county
 5.34 where the voter resides.

6.1 (b) If the applicant is not currently registered in the statewide voter registration
6.2 system, the secretary of state shall determine whether the applicant is 18 years of age or
6.3 older and a citizen of the United States and compare the voter registration information
6.4 received from the commissioner of public safety with the information on wards,
6.5 incompetents, and felons received from the state court administrator under sections 201.15
6.6 and 201.155, and with data received from the commissioner of corrections under section
6.7 201.157, to determine whether the applicant is eligible to vote. If an applicant is less than
6.8 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of
6.9 age to determine whether the applicant is eligible to vote. For each applicant the secretary
6.10 of state determines is an eligible voter, the secretary of state shall transmit the registration
6.11 daily by electronic means to the county auditor of the county where the voter resides.

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

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

6.17 **EFFECTIVE DATE.** This section is effective August 1, 2009, except that an
6.18 applicant for a Minnesota driver's license, instruction permit, or identification card must
6.19 not be automatically registered to vote until the commissioner of public safety has certified
6.20 that the department's systems have been tested and can accurately provide the necessary
6.21 data and the secretary of state has certified that the system for automatic registration
6.22 of those applicants has been tested and is capable of properly determining whether an
6.23 applicant is eligible to vote.

6.24 Sec. 10. Minnesota Statutes 2008, section 204C.08, is amended by adding a
6.25 subdivision to read:

6.26 Subd. 2b. **Roster notice.** A notice must be placed prominently next to the roster to
6.27 inform each voter that by signing the roster, the voter is swearing or affirming that the
6.28 voter is eligible to vote, and that it is a felony for an individual to vote if the individual is
6.29 not eligible. The notice must provide a description of the eligibility criteria for voting.