

A bill for an act
relating to elections; requiring voters to provide picture identification before
receiving a ballot; providing for the issuance of voter identification cards at
no charge; requiring certain notice; establishing a procedure for provisional
balloting; amending Minnesota Statutes 2010, sections 201.12, subdivision 1;
204C.10; proposing coding for new law in Minnesota Statutes, chapters 201;
204C.

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

Section 1. **[201.017] VOTER IDENTIFICATION CARDS.**

Subdivision 1. **Access; eligibility.** The county auditor must provide at least one
location in the county at which it will accept applications for and issue voter identification
cards to registered Minnesota voters. A voter identification card is valid only for purposes
of voter identification under section 204C.10, and is available only to registered Minnesota
voters. No fee may be charged or collected for the application for or issuance of a voter
identification card. A voter is not eligible for a voter identification card if the voter has a
Minnesota driver's license or identification card issued by the Department of Public Safety
that is currently valid and will not expire prior to election day.

Subd. 2. **Validity.** A voter identification card is valid as long as the voter resides at
the address indicated on the card and remains qualified to vote. A voter who moves to
a different residence within the state must surrender the card to the appropriate county
auditor of the new residence. After surrender of an invalid card, a voter may apply for and
receive a new card if the voter is otherwise eligible. A person who moves to a residence
outside the state of Minnesota or who ceases to be qualified to vote must surrender the
voter identification card to the county auditor from which it was issued.

2.1 Subd. 3. **Documentation required of applicant.** (a) An applicant for a voter
2.2 identification card must submit the following before the county auditor may issue an
2.3 identification card:

- 2.4 (1) proof of the applicant's current registration to vote in the state of Minnesota;
2.5 (2) documentation approved by the secretary of state sufficient to prove residence in
2.6 Minnesota for purposes of election day voter registration; and
2.7 (3) official documentation that contains the applicant's name, current address of
2.8 residence, and date of birth.

2.9 The secretary of state may adopt rules to further describe and define the types of
2.10 documentation sufficient to meet the requirements of this subdivision. If an applicant is
2.11 unable to provide proof of current registration as required in clause (1), the application
2.12 must still be accepted if the statewide voter registration system indicates that the applicant
2.13 is registered and eligible to vote in Minnesota.

2.14 (b) The application for a voter identification card shall elicit the information
2.15 required to be printed under subdivision 4. The application must be signed and sworn to
2.16 by the applicant. An applicant who knowingly submits an application containing false
2.17 information is guilty of a felony.

2.18 (c) Data contained in an application for a voter identification card is private data, as
2.19 defined in section 13.02, subdivision 12.

2.20 Subd. 4. **Format of card.** The voter identification card shall be captioned
2.21 "MINNESOTA VOTER IDENTIFICATION CARD," and contain a prominent statement
2.22 that under Minnesota law, the card is valid only as identification for voting purposes. The
2.23 voter identification card must be laminated, contain a bar code suitable for scanning
2.24 and a digital color photograph of the voter, and include the following information about
2.25 the voter:

- 2.26 (1) full legal name;
2.27 (2) address of residence;
2.28 (3) birth date;
2.29 (4) date identification card was issued;
2.30 (5) sex;
2.31 (6) height;
2.32 (7) weight;
2.33 (8) eye color;
2.34 (9) county where identification card was issued; and
2.35 (10) any other information prescribed by the secretary of state.

3.1 Subd. 5. **Duties of secretary of state.** The secretary of state shall provide each
3.2 county auditor with the necessary equipment, forms, supplies, and training for the
3.3 production of the Minnesota voter identification cards and is responsible for maintaining
3.4 the equipment.

3.5 The secretary of state may adopt any rules necessary to facilitate administration
3.6 of this section.

3.7 Sec. 2. Minnesota Statutes 2010, section 201.12, subdivision 1, is amended to read:

3.8 Subdivision 1. **Notice of registration.** (a) To prevent fraudulent voting and to
3.9 eliminate excess names, the county auditor may, except where required by paragraph (b),
3.10 mail to any registered voter a notice stating the voter's name and address as they appear
3.11 in the registration files. The notice shall request the voter to notify the county auditor if
3.12 there is any mistake in the information.

3.13 (b) The notice provided in paragraph (a) must be sent upon acceptance of a
3.14 registration application from any voter who has not been previously registered to vote
3.15 in Minnesota. In addition to the requirements of paragraph (a), the notice sent to a voter
3.16 under this paragraph must inform the voter of the requirements for voting in the polling
3.17 place, including the photo identification requirements contained in section 204C.10, and
3.18 provide information to assist the voter in acquiring a voter identification card, if necessary,
3.19 under section 201.017.

3.20 Sec. 3. Minnesota Statutes 2010, section 204C.10, is amended to read:

3.21 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
3.22 **REGISTRATION.**

3.23 Subdivision 1. **Polling place roster.** (a) An individual seeking to vote shall sign a
3.24 polling place roster which states that the individual is at least 18 years of age, a citizen
3.25 of the United States, has resided in Minnesota for 20 days immediately preceding the
3.26 election, maintains residence at the address shown, is not under a guardianship in which
3.27 the court order revokes the individual's right to vote, has not been found by a court of
3.28 law to be legally incompetent to vote or has the right to vote because, if the individual
3.29 was convicted of a felony, the felony sentence has expired or been completed or the
3.30 individual has been discharged from the sentence, is registered and has not already voted
3.31 in the election. The roster must also state: "I understand that deliberately providing false
3.32 information is a felony punishable by not more than five years imprisonment and a fine of
3.33 not more than \$10,000, or both."

4.1 (b) ~~A judge may~~, Before the applicant signs the roster, a judge: (1) may confirm the
4.2 applicant's name, address, and date of birth; and (2) except when a voter has a religious
4.3 objection to being photographed, must require the voter to provide photo identification, as
4.4 described in subdivision 2.

4.5 (c) After the applicant signs the roster, the judge shall give the applicant a voter's
4.6 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
4.7 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
4.8 voters' receipts must be maintained during the time for notice of filing an election contest.

4.9 Subd. 2. **Photo identification.** (a) To satisfy the photo identification requirement in
4.10 subdivision 1, a voter must present one of the following:

4.11 (1) a valid Minnesota driver's license or identification card, issued by the Department
4.12 of Public Safety;

4.13 (2) a valid United States passport;

4.14 (3) a valid Minnesota voter identification card issued under section 201.017;

4.15 (4) any other valid identification card issued by a branch, department, agency, entity,
4.16 or subdivision of the state of Minnesota or the federal government, provided that the
4.17 identification card contains a photograph of the voter; or

4.18 (5) a valid tribal identification card containing a photograph of the voter.

4.19 (b) If a voter is unable to produce any of the items of identification listed in
4.20 paragraph (a), the voter shall be allowed to vote a provisional ballot upon swearing
4.21 or affirming that the voter is the person identified on the polling place roster. Falsely
4.22 swearing or affirming the oath shall be punishable as a felony. A provisional ballot may be
4.23 cast in the manner provided in section 204C.135.

4.24 **Sec. 4. [204C.135] PROVISIONAL BALLOTS.**

4.25 Subdivision 1. **Casting of provisional ballots.** (a) A voter who appears at a polling
4.26 place for the purpose of casting a ballot in a primary or general election but is unable
4.27 to provide proper photo identification as required by section 204C.10 is entitled, upon
4.28 swearing or affirming the voter's identity, to cast a provisional ballot as provided by this
4.29 section.

4.30 (b) A voter seeking to vote a provisional ballot must complete a provisional ballot
4.31 voting certificate. The certificate must include information about the place, manner, and
4.32 approximate date on which the voter previously registered to vote. The voter must also
4.33 swear or affirm in writing that the voter previously registered to vote, is eligible to vote,
4.34 has not voted previously in that election, and meets the criteria for registering to vote in

Minnesota. The form of the provisional ballot voting certificate shall be prescribed by the secretary of state.

(c) Once the voter has completed the provisional ballot voting certificate as required by this subdivision, the voter must be allowed to cast a provisional ballot. The provisional ballot must be the same as that utilized by the county or municipality for mail-in absentee ballots. A completed provisional ballot shall be sealed in the manner required for absentee ballots pursuant to section 203B.07, and deposited by the voter in a secure, sealed ballot box.

Subd. 2. Counting provisional ballots. (a) The head election judge in a precinct where a provisional vote was cast must notify the county auditor or municipal clerk of the number of provisional ballots cast as soon as practicable following the closing of the polls. Provisional ballots and related documentation shall be delivered to and securely maintained by the county auditor or municipal clerk.

(b) A voter who, because of an inability to produce photo identification on election day, cast a provisional ballot in the polling place may personally appear before the county auditor or municipal clerk no later than five business days following the election to determine whether the provisional ballot will be counted. The county auditor or municipal clerk must count a provisional ballot in the final certified results from the precinct if the voter either: (1) presents a form of photo identification permissible under section 204C.10, subdivision 2, or the documentation necessary to secure a Minnesota voter identification card under section 201.017, subdivision 3; or (2) executes an affidavit before the county auditor or municipal clerk, in a form prescribed by the secretary of state, affirming under penalty of perjury that the voter is the same person who appeared in the polling place on election day and cast a provisional ballot and is unable to obtain a sufficient form of photo identification without the payment of a fee and was not able to secure a Minnesota voter identification card prior to election day.

(c) If a voter does not appear before the county auditor or municipal clerk within five business days following the election, or otherwise does not satisfy the requirements of paragraph (b), the voter's provisional ballot must not be counted.

(d) The county auditor or municipal clerk must notify, in writing, any voter who does not appear within five business days of the election that their provisional ballot was not cast because of the voter's failure to provide photo identification at the polling place and the voter's failure to appear within five business days following the election to determine whether the provisional ballot should be counted.