

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; changing certain canvassing deadlines; requiring certain notice; establishing a procedure for provisional balloting; amending Minnesota Statutes 2010, sections 201.12, subdivision 1; 204C.10; 204C.32; 204C.33, subdivision 1; 204C.37; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

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

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

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

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

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

(2) a valid United States passport;

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

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

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

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

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

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

(b) A voter seeking to vote a provisional ballot must complete a provisional ballot voting certificate. The certificate must include information about the place, manner, and approximate date on which the voter previously registered to vote. The voter must also swear or affirm in writing that the voter previously registered to vote, is eligible to vote, 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.

Sec. 5. Minnesota Statutes 2010, section 204C.32, is amended to read:

204C.32 CANVASS OF STATE PRIMARIES.

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office on the ~~third~~ eight day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass on the ~~third~~ eight day following the state primary and shall promptly prepare and file with the county auditor a report that states:

(a) the number of individuals voting at the election in the county, and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) the names of the candidates of each major political party who are nominated; and

(e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Subd. 2. **State canvass.** The State Canvassing Board shall meet at the Secretary of State's Office ~~seven~~ 14 days after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors. The secretary of state shall mail to each nominee a notice of nomination.

Sec. 6. Minnesota Statutes 2010, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office between the ~~third~~ eight and ~~tenth~~ 14th days following the state general election. After taking the oath of office, the board shall promptly and publicly

canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

- (a) the number of individuals voting at the election in the county and in each precinct;
- (b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;
- (d) the number of votes counted for and against a proposed change of county lines or county seat; and
- (e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or county office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit a certified copy of the county canvassing board report for state and federal offices to the secretary of state by messenger, express mail, or similar service immediately upon conclusion of the county canvass.

Sec. 7. Minnesota Statutes 2010, section 204C.37, is amended to read:

204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

A copy of the report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's

name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report and the precinct summary statements must be sent by express mail or delivered to the secretary of state. If the copy is not received by the secretary of state within ten days following ~~the applicable election~~ a primary election, or within 16 days following a general election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 8. Minnesota Statutes 2010, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. On the ~~third~~ eight day after the primary, the governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Sec. 9. Minnesota Statutes 2010, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between the ~~third~~ eight and ~~tenth~~ fourteenth days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within ~~two~~ ten days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 10. Minnesota Statutes 2010, section 205A.03, subdivision 4, is amended to read:

9.1 Subd. 4. **Results.** The school district primary must be conducted and the returns
9.2 made in the manner provided for the state primary as far as practicable. On the ~~third~~ third eighth
9.3 day after the primary, the school board of the school district shall canvass the returns,
9.4 and the two candidates for each specified school board position who receive the highest
9.5 number of votes, or a number of candidates equal to twice the number of individuals to be
9.6 elected to at-large school board positions who receive the highest number of votes, are
9.7 the nominees for the office named. Their names must be certified to the school district
9.8 clerk who shall place them on the school district general election ballot without partisan
9.9 designation and without payment of an additional fee.

9.10 Sec. 11. Minnesota Statutes 2010, section 205A.10, subdivision 3, is amended to read:

9.11 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between
9.12 the ~~third eighth~~ and ~~tenth~~ 14th days after a school district election other than a recount of a
9.13 special election conducted under section 126C.17, subdivision 9, or 475.59, the school
9.14 board shall canvass the returns and declare the results of the election. After the time for
9.15 contesting elections has passed, the school district clerk shall issue a certificate of election
9.16 to each successful candidate. If there is a contest, the certificate of election to that office
9.17 must not be issued until the outcome of the contest has been determined by the proper
9.18 court. If there is a tie vote, the school board shall determine the result by lot. The clerk
9.19 shall deliver the certificate of election to the successful candidate by personal service or
9.20 certified mail. The successful candidate shall file an acceptance and oath of office in
9.21 writing with the clerk within 30 days of the date of mailing or personal service. A person
9.22 who fails to qualify prior to the time specified shall be deemed to have refused to serve,
9.23 but that filing may be made at any time before action to fill the vacancy has been taken.
9.24 The school district clerk shall certify the results of the election to the county auditor, and
9.25 the clerk shall be the final custodian of the ballots and the returns of the election.

9.26 A school district canvassing board shall perform the duties of the school board
9.27 according to the requirements of this subdivision for a recount of a special election
9.28 conducted under section 126C.17, subdivision 9, or 475.59.