

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 355

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DATE	D-PG	OFFICIAL STATUS
01/29/2015	160	Introduction and first reading Referred to Judiciary
02/23/2015	386a	Comm report: To pass as amended and re-refer to Rules and Administration
03/12/2015	756a	Comm report: To pass as amended
	772	Second reading
	4868	Rule 47, returned to Judiciary
03/10/2016	4965	Authors stricken Chamberlain; Thompson
03/14/2016		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to public safety; restoring the civil right to vote of an individual upon
 1.2 release from incarceration; requiring notice; repealing county attorney obligation
 1.3 to promptly investigate voter registration and eligibility; amending Minnesota
 1.4 Statutes 2014, sections 201.014, by adding a subdivision; 201.071, subdivision
 1.5 1; 201.12, subdivisions 2, 3; 201.13, subdivision 3; 201.14; 201.157; 204C.08,
 1.6 subdivision 1d; 204C.10; 609.165, subdivision 1; proposing coding for new law
 1.7 in Minnesota Statutes, chapters 201; 243; repealing Minnesota Statutes 2014,
 1.8 sections 201.155; 201.275.
 1.9

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

1.11 Section 1. Minnesota Statutes 2014, section 201.014, is amended by adding a
 1.12 subdivision to read:

1.13 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual
 1.14 convicted of a felony has the civil right to vote restored when the individual completes
 1.15 any incarceration imposed and executed by the court for the offense, and during any other
 1.16 period following conviction in which the individual is not incarcerated. If the individual
 1.17 is later incarcerated for the same offense, the individual's civil right to vote is lost only
 1.18 during the period of incarceration.

1.19 Sec. 2. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

1.20 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
 1.21 contain the same information unless otherwise provided by law. A voter registration
 1.22 application must contain spaces for the following required information: voter's first name,
 1.23 middle name, and last name; voter's previous name, if any; voter's current address; voter's
 1.24 previous address, if any; voter's date of birth; voter's municipality and county of residence;
 1.25 voter's telephone number, if provided by the voter; date of registration; current and valid

2.1 Minnesota driver's license number or Minnesota state identification number, or if the voter
2.2 has no current and valid Minnesota driver's license or Minnesota state identification, the
2.3 last four digits of the voter's Social Security number; and voter's signature. The paper
2.4 registration application may include the voter's e-mail address, if provided by the voter.
2.5 The electronic voter registration application must include the voter's e-mail address. The
2.6 registration application may include the voter's interest in serving as an election judge,
2.7 if indicated by the voter. The application must also contain the following certification
2.8 of voter eligibility:

2.9 "I certify that I:

2.10 (1) will be at least 18 years old on election day;

2.11 (2) am a citizen of the United States;

2.12 (3) will have resided in Minnesota for 20 days immediately preceding election day;

2.13 (4) maintain residence at the address given on the registration form;

2.14 (5) am not under court-ordered guardianship in which the court order revokes my
2.15 right to vote;

2.16 (6) have not been found by a court to be legally incompetent to vote;

2.17 (7) ~~have the right to vote because, if I have been convicted of a felony, my felony~~
2.18 ~~sentence has expired (been completed) or I have been discharged from my sentence~~ am
2.19 not currently incarcerated for a felony offense; and

2.20 (8) have read and understand the following statement: that giving false information
2.21 is a felony punishable by not more than five years imprisonment or a fine of not more
2.22 than \$10,000, or both."

2.23 The certification must include boxes for the voter to respond to the following
2.24 questions:

2.25 "(1) Are you a citizen of the United States?" and

2.26 "(2) Will you be 18 years old on or before election day?"

2.27 And the instruction:

2.28 "If you checked 'no' to either of these questions, do not complete this form."

2.29 A paper voter registration application must be of suitable size and weight for
2.30 mailing. The form of the voter registration application and the certification of voter
2.31 eligibility must be as provided in this subdivision and approved by the secretary of state.
2.32 Voter registration forms authorized by the National Voter Registration Act must also be
2.33 accepted as valid. The federal postcard application form must also be accepted as valid if
2.34 it is not deficient and the voter is eligible to register in Minnesota.

2.35 An individual may use a voter registration application to apply to register to vote in
2.36 Minnesota or to change information on an existing registration.

3.1 Sec. 3. Minnesota Statutes 2014, section 201.12, subdivision 2, is amended to read:

3.2 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
3.3 official is returned as undeliverable but with a permanent forwarding address in this state,
3.4 the county auditor may change the voter's status to "inactive" in the statewide registration
3.5 system and shall transmit a copy of the mailing to the auditor of the county in which the
3.6 new address is located. If an election is scheduled to occur in the precinct in which the voter
3.7 resides in the next 47 days, the county auditor shall promptly update the voter's address in
3.8 the statewide voter registration system. If there is not an election scheduled, the auditor
3.9 may wait to update the voter's address until after the next list of address changes is received
3.10 from the secretary of state. Once updated, the county auditor shall mail to the voter a notice
3.11 stating the voter's name, address, precinct, and polling place, except that if the voter's
3.12 record is challenged due to incarceration for a felony conviction offense, noncitizenship,
3.13 name change, incompetence, or a court's revocation of voting rights of individuals under
3.14 guardianship, the auditor must not mail the notice. The notice must advise the voter that
3.15 the voter's voting address has been changed and that the voter must notify the county
3.16 auditor within 21 days if the new address is not the voter's address of residence. The notice
3.17 must state that it must be returned if it is not deliverable to the voter at the named address.

3.18 Sec. 4. Minnesota Statutes 2014, section 201.12, subdivision 3, is amended to read:

3.19 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
3.20 official is returned as undeliverable but with a permanent forwarding address outside this
3.21 state, the county auditor shall promptly mail to the voter at the voter's new address a
3.22 notice advising the voter that the voter's status in the statewide voter registration system
3.23 will be changed to "inactive" unless the voter notifies the county auditor within 21 days
3.24 that the voter is retaining the former address as the voter's address of residence. If the
3.25 voter's record is challenged due to incarceration for a felony conviction offense, lack of
3.26 United States citizenship, legal incompetence, or court-ordered revocation of voting rights
3.27 of persons under guardianship, the county auditor must not mail this notice. If the notice is
3.28 not received by the deadline, the county auditor shall change the voter's status to "inactive"
3.29 in the statewide voter registration system.

3.30 Sec. 5. Minnesota Statutes 2014, section 201.13, subdivision 3, is amended to read:

3.31 Subd. 3. **Use of change of address system.** (a) At least once each month the
3.32 secretary of state shall obtain a list of individuals registered to vote in this state who have
3.33 filed with the United States Postal Service a change of their permanent address. The
3.34 secretary of state may also periodically obtain a list of individuals with driver's licenses or

4.1 state identification cards to identify those who are registered to vote who have applied to
4.2 the Department of Public Safety for a replacement driver's license or state identification
4.3 card with a different address, and a list of individuals for whom the Department of Public
4.4 Safety received notification of a driver's license or state identification card cancellation
4.5 due to a change of residency out of state. However, the secretary of state shall not load
4.6 data derived from these lists into the statewide voter registration system within the 47 days
4.7 before the state primary or 47 days before a November general election.

4.8 (b) If the address is changed to another address in this state, the secretary of state
4.9 shall locate the precinct in which the voter resides, if possible. If the secretary of state
4.10 is able to locate the precinct in which the voter resides, the secretary must transmit the
4.11 information about the changed address by electronic means to the county auditor of the
4.12 county in which the new address is located. For addresses for which the secretary of
4.13 state is unable to determine the precinct, the secretary may forward information to the
4.14 appropriate county auditors for individual review. If the voter has not voted or submitted a
4.15 voter registration application since the address change, upon receipt of the information, the
4.16 county auditor shall update the voter's address in the statewide voter registration system.
4.17 The county auditor shall mail to the voter a notice stating the voter's name, address,
4.18 precinct, and polling place, unless the voter's record is challenged due to incarceration
4.19 for a felony conviction offense, noncitizenship, name change, incompetence, or a court's
4.20 revocation of voting rights of individuals under guardianship, in which case the auditor
4.21 must not mail the notice. The notice must advise the voter that the voter's voting address
4.22 has been changed and that the voter must notify the county auditor within 21 days if the
4.23 new address is not the voter's address of residence. The notice must state that it must be
4.24 returned if it is not deliverable to the voter at the named address.

4.25 (c) If the change of permanent address is to an address outside this state, the secretary
4.26 of state shall notify by electronic means the auditor of the county where the voter formerly
4.27 resided that the voter has moved to another state. If the voter has not voted or submitted a
4.28 voter registration application since the address change, the county auditor shall promptly
4.29 mail to the voter at the voter's new address a notice advising the voter that the voter's status
4.30 in the statewide voter registration system will be changed to "inactive" unless the voter
4.31 notifies the county auditor within 21 days that the voter is retaining the former address
4.32 as the voter's address of residence, except that if the voter's record is challenged due to
4.33 incarceration for a felony conviction offense, noncitizenship, name change, incompetence,
4.34 or a court's revocation of voting rights of individuals under guardianship, the auditor must
4.35 not mail the notice. If the notice is not received by the deadline, the county auditor shall
4.36 change the voter's status to "inactive" in the statewide voter registration system.

5.1 (d) If, in order to maintain voter registration records, the secretary of state enters
 5.2 an agreement to share information or data with an organization governed exclusively by
 5.3 a group of states, the secretary must first determine that the data security protocols are
 5.4 sufficient to safeguard the information or data shared. If required by such an agreement,
 5.5 the secretary of state may share the following data from the statewide voter registration
 5.6 system and data released to the secretary of state under section 171.12, subdivision 7a:

- 5.7 (1) name;
- 5.8 (2) date of birth;
- 5.9 (3) address;
- 5.10 (4) driver's license or state identification card number;
- 5.11 (5) the last four digits of an individual's Social Security number; and
- 5.12 (6) the date that an individual's record was last updated.

5.13 If the secretary of state enters into such an agreement, the secretary and county auditors
 5.14 must process changes to voter records based upon that data in accordance with this section.
 5.15 Except as otherwise provided in this subdivision, when data is shared with the secretary of
 5.16 state by another state, the secretary of state must maintain the same data classification that
 5.17 the data had while it was in the possession of the state providing the data.

5.18 Sec. 6. Minnesota Statutes 2014, section 201.14, is amended to read:

5.19 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 5.20 **CHANGES OF NAMES.**

5.21 The state court administrator shall regularly report by electronic means to the
 5.22 secretary of state the name, address, and, if available, driver's license or state identification
 5.23 card number of each individual, 18 years of age or over, whose name was changed since
 5.24 the last report, by marriage, divorce, or any order or decree of the court. The secretary of
 5.25 state shall determine if any of the persons in the report are registered to vote under their
 5.26 previous name and shall prepare a list of those registrants for each county auditor. Upon
 5.27 receipt of the list, the county auditor shall make the change in the voter's record and mail
 5.28 to the voter the notice of registration required by section 201.121, subdivision 2. A notice
 5.29 must not be mailed if the voter's record is challenged due to incarceration for a felony
 5.30 conviction offense, lack of United States citizenship, legal incompetence, or court-ordered
 5.31 revocation of voting rights of persons under guardianship.

5.32 Sec. 7. Minnesota Statutes 2014, section 201.157, is amended to read:

5.33 **201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

6.1 (a) The commissioner of corrections shall make electronic data available to the
6.2 secretary of state on individuals 18 years of age or older who are currently: incarcerated in
6.3 a state correctional facility.

6.4 ~~(1) serving felony sentences under the commissioner's jurisdiction; or~~

6.5 ~~(2) on probation for felony offenses that would result in the loss of civil rights, as~~
6.6 ~~indicated by the statewide supervision system established under section 241.065.~~

6.7 The data must include the name, date of birth, last known residential address that is
6.8 not a correctional facility, and, if available, corrections' state identification number, and
6.9 the driver's license or state identification card number, and, if an individual has completed
6.10 the sentence, the date of discharge.

6.11 (b) The secretary of state must determine if any data newly indicates that:

6.12 (1) an individual with an active voter registration in the statewide voter registration
6.13 system is currently ~~serving a felony sentence under the commissioner's jurisdiction or is~~
6.14 ~~on probation for a felony offense that would result in the loss of civil rights~~ incarcerated
6.15 in a state correctional facility and the individual's voter record does not already have a
6.16 challenged status due to a felony conviction;

6.17 (2) an individual with an active voter registration in the statewide voter registration
6.18 system who is currently ~~serving a felony sentence under the commissioner's jurisdiction~~
6.19 ~~or who is on probation for a felony offense that would result in the loss of civil rights~~
6.20 incarcerated in a state correctional facility appears to have registered to vote or to have
6.21 voted during a period when the individual's civil rights were revoked; and

6.22 (3) an individual with a voter record that has a challenged status due to a felony
6.23 conviction who was serving a felony sentence under the commissioner's jurisdiction
6.24 or who has been on probation for a felony offense that would result in the loss of civil
6.25 rights has been discharged from a sentence.

6.26 The secretary of state shall prepare a list of the registrants included under clause (1),
6.27 (2), or (3) for each county auditor. For individuals under clause (1), the county auditor
6.28 shall challenge the individual's record in the statewide voter registration system. The
6.29 county auditor must provide information to the county attorney about individuals under
6.30 clause (2) for the county attorney's investigation. For individuals under clause (3), the
6.31 county auditor must determine if the challenge status should be removed from the voter
6.32 record for the individual, and if so, must remove the challenge.

6.33 The secretary of state must make the required determinations and provide the
6.34 required lists to the county auditors at least monthly.

6.35 For each state general election that occurs prior to the statewide voter registration
6.36 system being programmed to generate lists as required by this section, the secretary of

7.1 state must make the determination and provide lists to the county auditors between 30 and
 7.2 60 days before the election and again between six and ten weeks after the election. In the
 7.3 year following that state election, the secretary of state must make this determination and
 7.4 provide lists to the county auditors again as part of the annual list maintenance.

7.5 Sec. 8. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION**
 7.6 **ABOUT VOTING RIGHTS.**

7.7 The secretary of state shall develop accurate and complete information in a single
 7.8 publication about the voting rights of people who have been charged with or convicted of
 7.9 a crime. The secretary of state must make this publication available electronically to the
 7.10 state court administrator for distribution to judges, court personnel, probation officers,
 7.11 and the Department of Corrections for distribution to corrections officials, parole and
 7.12 supervised release agents, and the public. The secretary of state must make the publication
 7.13 available to the public on the Office of the Secretary of State's Web site.

7.14 Sec. 9. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

7.15 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
 7.16 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
 7.17 forth in this section. Before the hours of voting are scheduled to begin, the election judges
 7.18 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
 7.19 of Rights is as follows:

7.20 "VOTER'S BILL OF RIGHTS

7.21 For all persons residing in this state who meet federal voting eligibility requirements:

7.22 (1) You have the right to be absent from work for the purpose of voting in a state or
 7.23 federal election without reduction to your pay, personal leave, or vacation time on election
 7.24 day for the time necessary to appear at your polling place, cast a ballot, and return to work.

7.25 (2) If you are in line at your polling place any time before 8:00 p.m., you have the
 7.26 right to vote.

7.27 (3) If you can provide the required proof of residence, you have the right to register
 7.28 to vote and to vote on election day.

7.29 (4) If you are unable to sign your name, you have the right to orally confirm your
 7.30 identity with an election judge and to direct another person to sign your name for you.

7.31 (5) You have the right to request special assistance when voting.

7.32 (6) If you need assistance, you may be accompanied into the voting booth by a
 7.33 person of your choice, except by an agent of your employer or union or a candidate.

8.1 (7) You have the right to bring your minor children into the polling place and into
8.2 the voting booth with you.

8.3 (8) ~~If you have been convicted of a felony but your felony sentence has expired~~
8.4 ~~(been completed) or you have been discharged from your sentence,~~ You have the right to
8.5 vote, even if you have been convicted of a felony, if you are not currently incarcerated for
8.6 the felony offense.

8.7 (9) If you are under a guardianship, you have the right to vote, unless the court
8.8 order revokes your right to vote.

8.9 (10) You have the right to vote without anyone in the polling place trying to
8.10 influence your vote.

8.11 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
8.12 right to receive a replacement ballot and vote.

8.13 (12) You have the right to file a written complaint at your polling place if you are
8.14 dissatisfied with the way an election is being run.

8.15 (13) You have the right to take a sample ballot into the voting booth with you.

8.16 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
8.17 booth with you."

8.18 Sec. 10. Minnesota Statutes 2014, section 204C.10, is amended to read:

8.19 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
8.20 **REGISTRATION.**

8.21 (a) An individual seeking to vote shall sign a polling place roster or voter signature
8.22 certificate which states that the individual:

8.23 (1) is at least 18 years of age;

8.24 (2) is a citizen of the United States;

8.25 (3) has resided in Minnesota for 20 days immediately preceding the election;

8.26 (4) maintains residence at the address shown;

8.27 (5) is not under a guardianship in which the court order revokes the individual's
8.28 right to vote;

8.29 (6) has not been found by a court of law to be legally incompetent to vote ~~or has~~
8.30 ~~the right to vote because;~~

8.31 (7) ~~if the individual was convicted of a felony, the felony sentence has expired or~~
8.32 ~~been completed or the individual has been discharged from the sentence,~~ is not currently
8.33 incarcerated for a felony offense;

8.34 (8) is registered; and

8.35 (9) has not already voted in the election.

9.1 The roster must also state: "I understand that deliberately providing false information is
 9.2 a felony punishable by not more than five years imprisonment and a fine of not more
 9.3 than \$10,000, or both."

9.4 (b) A judge may, before the applicant signs the roster or voter signature certificate,
 9.5 confirm the applicant's name, address, and date of birth.

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

9.11 Sec. 11. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

9.12 **Subdivision 1. Correctional facilities; designation of official.** The chief executive
 9.13 officer of each state and local correctional facility shall designate an official within the
 9.14 facility to provide the notice required under this section to persons to whom the civil right to
 9.15 vote is restored by reason of the persons' release from actual incarceration. The official shall
 9.16 maintain an adequate supply of voter registration informational materials for this purpose.

9.17 **Subd. 2. Notice requirement.** A notice of restoration of the civil right to vote must
 9.18 be provided as follows:

9.19 (1) the chief executive officer of each state and local correctional facility shall
 9.20 provide the notice to a person being released from the facility following incarceration for a
 9.21 felony-level offense; and

9.22 (2) a probation officer or supervised release agent shall provide the notice to all
 9.23 individuals under correctional supervision for a felony-level offense.

9.24 **Subd. 3. Form of notice.** The notice required by subdivision 2 must appear
 9.25 substantially as follows:

9.26 **"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

9.27 Your receipt of this notice today means that your right to vote in Minnesota has been
 9.28 restored. Before you can vote on election day, you still need to register to vote and you
 9.29 must satisfy all other voter eligibility criteria. To register, you may complete a voter
 9.30 registration application and return it to the Office of the Minnesota Secretary of State. You
 9.31 may also register to vote in your polling place on election day. You will not be permitted
 9.32 to cast a ballot until you register to vote. The first time you appear at your polling place to
 9.33 cast a ballot, you may be required to provide proof of your current residence."

9.34 **Subd. 4. Failure to provide notice.** A failure to provide proper notice as required
 9.35 by this section does not prevent the restoration of the person's civil right to vote.

10.1 Sec. 12. Minnesota Statutes 2014, section 609.165, subdivision 1, is amended to read:

10.2 Subdivision 1. **Restoration.** (a) When a person has been deprived of civil rights by
10.3 reason of conviction of a crime and is thereafter discharged, such discharge shall restore the
10.4 person to all civil rights and to full citizenship, with full right to vote and hold office, the
10.5 same as if such conviction had not taken place, and the order of discharge shall so provide.

10.6 (b) Section 201.014, subdivision 2a, governs the restoration of voting rights for
10.7 persons whose right to vote has been lost due to a felony conviction.

10.8 Sec. 13. **REPEALER.**

10.9 Minnesota Statutes 2014, sections 201.155; and 201.275, are repealed.

10.10 Sec. 14. **EFFECTIVE DATE.**

10.11 This act is effective August 1, 2015, and applies to elections held on or after that
10.12 date. Notices required to be provided by Minnesota Statutes, section 243.205 must be
10.13 provided to individuals released from incarceration on or after August 1, 2015.

201.155 REPORT ON FELONY CONVICTIONS.

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

201.275 INVESTIGATIONS; PROSECUTIONS.

(a) A law enforcement agency that is notified by affidavit of an alleged violation of this chapter shall promptly investigate. Upon receiving an affidavit alleging a violation of this chapter, a county attorney shall promptly forward it to a law enforcement agency with jurisdiction for investigation. If there is probable cause for instituting a prosecution, the county attorney shall proceed according to the generally applicable standards regarding the prosecutorial functions and duties of a county attorney, provided that the county attorney is not required to proceed with the prosecution if the complainant withdraws the allegation. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office.

(b) Willful violation of this chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

(c) Where the matter relates to a voter registration application submitted electronically through the secure Web site established in section 201.061, subdivision 1, alleged violations of this chapter may be investigated and prosecuted in the county in which the individual registered or attempted to register.