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; establishing a procedure for provisional balloting; amending Minnesota Statutes 2008, section 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.

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.

(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.

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 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 the 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 2008, 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 Minnesota voter identification card issued under section 201.017;

(3) a valid identification card issued by a branch, department, agency, entity, or subdivision of the state of Minnesota or the federal government which is authorized by law to issue personal identification, provided that the identification card contains a photograph of the voter;

(4) a valid United States passport; 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. 3. **[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 either: (i) 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; or (ii) has a religious objection to being photographed.

(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.