

## State of Minnesota

**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 718**

02/24/2011 Authored by Champion, Simon, Hayden, Moran and Johnson  
The bill was read for the first time and referred to the Committee on Government Operations and Elections

03/14/2011 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Policy and Finance

05/03/2011 Adoption of Report: Pass as Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

05/05/2011 Adoption of Report: Pass as Amended and Read Second Time

05/23/2011 Pursuant to Rule 4.20, re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

03/19/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act

1.2 relating to civil rights; requiring notices of restoration of civil rights and of

1.3 possible loss of civil rights; excluding incarcerated offenders from receiving

1.4 absentee ballots; amending Minnesota Statutes 2010, section 203B.06,

1.5 subdivision 3; proposing coding for new law in Minnesota Statutes, chapters

1.6 201; 243; 630.

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

1.8 Section 1. **[201.280] DUTIES OF SECRETARY OF STATE; INFORMATION**

1.9 **ABOUT VOTING RIGHTS.**

1.10 The secretary of state shall develop accurate and complete information in a single

1.11 publication about the voting rights of people who have been charged with or convicted

1.12 of a felony-level offense. This publication must be made available electronically to the

1.13 state court administrator for distribution to judges, court personnel, probation officers,

1.14 and the Department of Corrections for distribution to corrections officials, parole officers,

1.15 and the public.

1.16 Sec. 2. Minnesota Statutes 2010, section 203B.06, subdivision 3, is amended to read:

1.17 Subd. 3. **Delivery of ballots.** (a) An application for an absentee ballot that lists the

1.18 residential or mailing address of a correctional facility in which only persons convicted

1.19 of felony-level sentences reside must not be accepted and an absentee ballot must not be

1.20 provided to the applicant. The county auditor or municipal clerk must promptly transmit

1.21 a copy of the application to the county attorney. The Department of Corrections shall

1.22 implement procedures to ensure that absentee ballots issued under chapter 203B are not

1.23 received or mailed by incarcerated offenders.

2.1 (b) If an application for absentee ballots is accepted at a time when absentee ballots  
 2.2 are not yet available for distribution, the county auditor, or municipal clerk accepting the  
 2.3 application shall file it and as soon as absentee ballots are available for distribution shall  
 2.4 mail them to the address specified in the application. If an application for absentee ballots  
 2.5 is accepted when absentee ballots are available for distribution, the county auditor or  
 2.6 municipal clerk accepting the application shall promptly:

2.7 (1) mail the ballots to the voter whose signature appears on the application if the  
 2.8 application is submitted by mail and does not request commercial shipping under clause  
 2.9 (2);

2.10 (2) ship the ballots to the voter using a commercial shipper requested by the voter at  
 2.11 the voter's expense;

2.12 (3) deliver the absentee ballots directly to the voter if the application is submitted in  
 2.13 person; or

2.14 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has  
 2.15 been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a  
 2.16 voter who would have difficulty getting to the polls because of incapacitating health  
 2.17 reasons, or who is disabled, or who is a patient in a health care facility, a resident of  
 2.18 a facility providing assisted living services governed by chapter 144G, a participant in  
 2.19 a residential program for adults licensed under section 245A.02, subdivision 14, or a  
 2.20 resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

2.21 ~~(b)~~ (c) If an application does not indicate the election for which absentee ballots are  
 2.22 sought, the county auditor or municipal clerk shall mail or deliver only the ballots for  
 2.23 the next election occurring after receipt of the application. Only one set of ballots may  
 2.24 be mailed, shipped, or delivered to an applicant for any election, except as provided in  
 2.25 section 203B.13, subdivision 2, or when a replacement ballot has been requested by the  
 2.26 voter for a ballot that has been spoiled or lost in transit.

2.27 **Sec. 3. [243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

2.28 Subdivision 1. **Correctional facilities; designation of official.** The chief executive  
 2.29 officer of each state correctional facility shall designate an official within the facility to  
 2.30 provide the notice required under this section to inmates who have been restored to civil  
 2.31 rights. The official may also maintain a supply of voter registration applications and  
 2.32 informational materials to accompany the notice.

2.33 Subd. 2. **Notice requirement.** A notice of restoration of civil rights must be  
 2.34 provided as follows:

3.1 (1) the chief executive officer of each state correctional facility shall provide the  
3.2 notice and may provide a voter registration application to an inmate being released from  
3.3 the facility following incarceration for a felony-level offense if the inmate's sentence is  
3.4 discharged and civil rights restored under section 609.165; and

3.5 (2) a probation officer or supervised release agent shall provide the notice and may  
3.6 provide a voter registration application when an individual under correctional supervision  
3.7 for a felony-level offense is discharged from sentence and the individual's civil rights  
3.8 have been restored under section 609.165.

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

3.11 **"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING**  
3.12 **YOUR RIGHT TO VOTE.**

3.13 Your final discharge today means that your civil rights have been restored. This  
3.14 includes a restoration of your right to vote in Minnesota. Before you can vote on election  
3.15 day, you still need to register to vote. To register, you can complete a voter registration  
3.16 application and return it to the Office of the Minnesota Secretary of State. You also can  
3.17 register to vote in your polling place on election day. You will not be permitted to cast a  
3.18 ballot until you register to vote. The first time you appear at your polling place to cast a  
3.19 ballot, you may be required to provide proof of your current residence."

3.20 Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required  
3.21 by this section does not prevent the restoration of an inmate's civil rights upon discharge.

3.22 **Sec. 4. [630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON**  
3.23 **CONVICTION.**

3.24 For felony-level offenses, prior to the court's acceptance of a plea from the  
3.25 defendant, the court must notify the defendant that a guilty plea or conviction for a  
3.26 felony-level offense will result in a loss of the defendant's civil rights, including the right  
3.27 to vote, until the defendant's sentence has been discharged.