

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 107

(SENATE AUTHORS: CHAMPION)

DATE	D-PG	OFFICIAL STATUS
01/24/2013	92	Introduction and first reading Referred to Judiciary
03/17/2014	6261a	Comm report: To pass as amended and re-refer to Rules and Administration

A bill for an act

1.1 relating to elections; voting; restoring the voting rights of an individual upon
 1.2 release from incarceration; requiring notice; amending Minnesota Statutes 2012,
 1.3 sections 201.014, by adding a subdivision; 201.071, subdivision 1; 201.12,
 1.4 subdivision 2; 201.13, subdivision 3; 201.155; 203B.21, subdivision 3; 204C.08,
 1.5 subdivision 1d; 204C.10; 609.165, subdivision 1; Minnesota Statutes 2013
 1.6 Supplement, sections 201.12, subdivision 3; 201.14; 201.157; proposing coding
 1.7 for new law in Minnesota Statutes, chapters 201; 243.
 1.8

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

1.10 Section 1. Minnesota Statutes 2012, section 201.014, is amended by adding a
 1.11 subdivision to read:

1.12 Subd. 2a. **Felony conviction; restoration of civil rights.** (a) For purposes of
 1.13 this section, an individual convicted of a felony is restored to civil rights as soon as the
 1.14 individual completes any incarceration imposed and executed by the court for the offense.
 1.15 If the individual is later incarcerated for the same offense, the individual's civil rights are
 1.16 lost only during the period of incarceration.

1.17 (b) If an individual was convicted of a felony crime but was not incarcerated for the
 1.18 felony conviction, the individual's civil rights are not removed.

1.19 Sec. 2. Minnesota Statutes 2012, section 201.071, subdivision 1, is amended to read:

1.20 Subdivision 1. **Form.** A voter registration application must be of suitable size and
 1.21 weight for mailing and contain spaces for the following required information: voter's first
 1.22 name, middle name, and last name; voter's previous name, if any; voter's current address;
 1.23 voter's previous address, if any; voter's date of birth; voter's municipality and county
 1.24 of residence; voter's telephone number, if provided by the voter; date of registration;
 1.25 current and valid Minnesota driver's license number or Minnesota state identification

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

2.6 "I certify that I:

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

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

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

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

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

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

2.14 (7) have the right to vote because, if although I may have been convicted of a felony,
 2.15 ~~my felony sentence has expired (been completed) or I have been discharged from my~~
 2.16 ~~sentene~~ I am not currently incarcerated for that offense; and

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

2.20 The certification must include boxes for the voter to respond to the following
 2.21 questions:

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

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

2.24 And the instruction:

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

2.26 The form of the voter registration application and the certification of voter eligibility
 2.27 must be as provided in this subdivision and approved by the secretary of state. Voter
 2.28 registration forms authorized by the National Voter Registration Act must also be accepted
 2.29 as valid. The federal postcard application form must also be accepted as valid if it is not
 2.30 deficient and the voter is eligible to register in Minnesota.

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

2.33 Sec. 3. Minnesota Statutes 2012, section 201.12, subdivision 2, is amended to read:

2.34 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
 2.35 official is returned as undeliverable but with a permanent forwarding address in this state,

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

3.15 Sec. 4. Minnesota Statutes 2013 Supplement, section 201.12, subdivision 3, is
3.16 amended to read:

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

3.28 Sec. 5. Minnesota Statutes 2012, section 201.13, subdivision 3, is amended to read:

3.29 Subd. 3. **Use of change of address system.** (a) At least once each month the
3.30 secretary of state shall obtain a list of individuals registered to vote in this state who
3.31 have filed with the United States Postal Service a change of their permanent address.
3.32 However, the secretary of state shall not load data derived from this list into the statewide
3.33 voter registration system within the 47 days before the state primary or 47 days before a
3.34 November general election.

4.1 (b) If the address is changed to another address in this state, the secretary of state
4.2 shall locate the precinct in which the voter resides, if possible. If the secretary of state
4.3 is able to locate the precinct in which the voter resides, the secretary must transmit the
4.4 information about the changed address by electronic means to the county auditor of the
4.5 county in which the new address is located. If the voter has not voted or submitted a voter
4.6 registration application since the address change, upon receipt of the information, the
4.7 county auditor shall update the voter's address in the statewide voter registration system.
4.8 The county auditor shall mail to the voter a notice stating the voter's name, address,
4.9 precinct, and polling place, unless the voter's record is challenged due to incarceration for
4.10 a felony conviction, noncitizenship, name change, incompetence, or a court's revocation
4.11 of voting rights of individuals under guardianship, in which case the auditor must not
4.12 mail the notice. The notice must advise the voter that the voter's voting address has
4.13 been changed and that the voter must notify the county auditor within 21 days if the
4.14 new address is not the voter's address of residence. The notice must state that it must be
4.15 returned if it is not deliverable to the voter at the named address.

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

4.28 Sec. 6. Minnesota Statutes 2013 Supplement, section 201.14, is amended to read:

4.29 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
4.30 **CHANGES OF NAMES.**

4.31 The state court administrator shall regularly report by electronic means to the
4.32 secretary of state the name, address, and, if available, driver's license or state identification
4.33 card number of each individual, 18 years of age or over, whose name was changed since
4.34 the last report, by marriage, divorce, or any order or decree of the court. The secretary
4.35 of state shall determine if any of the persons in the report are registered to vote under

5.1 their previous name and shall prepare a list of those registrants for each county auditor.
 5.2 Upon receipt of the list, the county auditor shall make the change in the voter's record
 5.3 and mail to the voter the notice of registration required by section 201.121, subdivision 2.
 5.4 A notice must not be mailed if the voter's record is challenged due to incarceration for a
 5.5 felony conviction, lack of United States citizenship, legal incompetence, or court-ordered
 5.6 revocation of voting rights of persons under guardianship.

5.7 Sec. 7. Minnesota Statutes 2012, section 201.155, is amended to read:

5.8 **201.155 REPORT ON FELONY CONVICTIONS.**

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

5.20 Sec. 8. Minnesota Statutes 2013 Supplement, section 201.157, is amended to read:

5.21 **201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

5.22 (a) The commissioner of corrections shall make electronic data available to the
 5.23 secretary of state on individuals 18 years of age or older who are currently:

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

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

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

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

5.32 ~~(1) an individual with an active voter registration in the statewide voter registration~~
 5.33 ~~system is currently serving~~ incarcerated for a felony sentence under the commissioner's
 5.34 ~~jurisdiction or is on probation for a felony offense that would result in the loss of civil~~

6.1 rights and the individual's voter record does not already have a challenged status due
 6.2 to incarceration for a felony conviction;

6.3 ~~(2) an individual with an active voter registration in the statewide voter registration
 6.4 system who is currently serving a felony sentence under the commissioner's jurisdiction or
 6.5 who is on probation for a felony offense that would result in the loss of civil rights appears
 6.6 to have registered to vote or to have voted during a period when the individual's civil
 6.7 rights were revoked; and~~

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

6.12 (c) The secretary of state shall prepare a list of the registrants included under clause
 6.13 ~~(1), (2), or (3)~~ listed in paragraph (b) for each county auditor. For individuals under
 6.14 ~~clause (1)~~, The county auditor shall challenge the individual's record in the statewide voter
 6.15 registration system. ~~The county auditor must provide information to the county attorney
 6.16 about individuals under clause (2) for the county attorney's investigation. For individuals
 6.17 under clause (3), the county auditor must determine if the challenge status should be
 6.18 removed from the voter record for the individual, and if so, must remove the challenge.~~

6.19 (d) The secretary of state must make the required determinations and provide the
 6.20 required lists to the county auditors at least monthly.

6.21 For each state general election that occurs prior to the statewide voter registration
 6.22 system being programmed to generate lists as required by this section, the secretary of
 6.23 state must make the determination and provide lists to the county auditors between 30 and
 6.24 60 days before the election and again between six and ten weeks after the election. In the
 6.25 year following that state election, the secretary of state must make this determination and
 6.26 provide lists to the county auditors again as part of the annual list maintenance.

6.27 **Sec. 9. [201.276] DUTIES OF SECRETARY OF STATE; INFORMATION**
 6.28 **ABOUT VOTING RIGHTS.**

6.29 The secretary of state shall develop accurate and complete information in a single
 6.30 publication about the voting rights of people who have been charged with or convicted
 6.31 of a crime. This publication must be made available electronically to the state court
 6.32 administrator for distribution to judges, court personnel, probation officers, and the
 6.33 Department of Corrections for distribution to corrections officials, parole and supervised
 6.34 release agents, and the public.

7.1 Sec. 10. Minnesota Statutes 2012, section 203B.21, subdivision 3, is amended to read:

7.2 Subd. 3. **Back of return envelope.** On the back of the return envelope a certificate
7.3 shall appear with space for:

7.4 (1) the voter's address of present or former residence in Minnesota;

7.5 (2) the voter's current e-mail address, if the voter has one;

7.6 (3) a statement indicating the category described in section 203B.16 to which the
7.7 voter belongs;

7.8 (4) a statement that the voter has not cast and will not cast another absentee ballot
7.9 in the same election or elections;

7.10 (5) a statement that the voter personally marked the ballots without showing them to
7.11 anyone, or if physically unable to mark them, that the voter directed another individual
7.12 to mark them; and

7.13 (6) the same voter's passport number, Minnesota driver's license or state identification
7.14 card number, or the last four digits of the voter's Social Security number as provided on the
7.15 absentee ballot application; if the voter does not have access to any of these documents, the
7.16 voter may attest to the truthfulness of the contents of the certificate under penalty of perjury.

7.17 The certificate shall also contain a signed oath in the form required by section 705 of
7.18 the Help America Vote Act, Public Law 107-252, which must read:

7.19 "I swear or affirm, under penalty of perjury, that:

7.20 I am a member of the uniformed services or merchant marine on active duty or
7.21 an eligible spouse or dependent of such a member; a United States citizen temporarily
7.22 residing outside the United States; or other United States citizen residing outside the
7.23 United States; and I am a United States citizen, at least 18 years of age (or will be by
7.24 the date of the election), and I am eligible to vote in the requested jurisdiction; I ~~have~~
7.25 ~~not been convicted of a felony, or~~ am not currently incarcerated for a felony offense; I
7.26 have not been convicted of any other disqualifying offense, or been adjudicated mentally
7.27 incompetent, or, if so, my voting rights have been reinstated; and I am not registering,
7.28 requesting a ballot, or voting in any other jurisdiction in the United States except the
7.29 jurisdiction cited in this voting form. In voting, I have marked and sealed my ballot in
7.30 private and have not allowed any person to observe the marking of the ballot, except for
7.31 those authorized to assist voters under state or federal law. I have not been influenced.

7.32 The information on this form is true, accurate, and complete to the best of my
7.33 knowledge. I understand that a material misstatement of fact in completion of this
7.34 document may constitute grounds for a conviction for perjury."

7.35 Sec. 11. Minnesota Statutes 2012, section 204C.08, subdivision 1d, is amended to read:

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

8.6 "VOTER'S BILL OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.1 Sec. 12. Minnesota Statutes 2012, section 204C.10, is amended to read:

9.2 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
 9.3 **REGISTRATION.**

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

9.15 (b) A judge may, before the applicant signs the roster, confirm the applicant's name,
 9.16 address, and date of birth.

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

9.21 Sec. 13. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

9.22 Subdivision 1. **Correctional facilities; designation of official.** The chief executive
 9.23 officer of each state and local correctional facility shall designate an official within the
 9.24 facility to provide the notice and application required under this section to inmates who
 9.25 have been restored to civil rights. The official shall maintain an adequate supply of voter
 9.26 registration applications and informational materials for this purpose.

9.27 Subd. 2. **Notice requirement.** A notice of restoration of civil rights and a voter
 9.28 registration application must be provided as follows:

9.29 (1) the chief executive officer of each state and local correctional facility shall
 9.30 provide the notice and application to an inmate being released from the facility following
 9.31 incarceration for a felony-level offense; and

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

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

10.1 **"NOTICE OF RESTORATION OF RIGHT TO VOTE.**

10.2 Your receipt of this notice means that your right to vote is restored upon release
10.3 from incarceration. Before you can vote on election day, you still need to register to
10.4 vote. To register, you may complete a voter registration application and return it to the
10.5 Office of the Minnesota Secretary of State. You may also register to vote in your polling
10.6 place on election day. You will not be permitted to cast a ballot until you register to vote.
10.7 The first time you appear at your polling place to cast a ballot, you may be required to
10.8 provide proof of your current residence."

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

10.11 Sec. 14. Minnesota Statutes 2012, section 609.165, subdivision 1, is amended to read:

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

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