SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2288

1.1   A bill for an act

1.2   relating to elections; providing for submission of voter registration and absentee

1.3   ballot applications online; amending Minnesota Statutes 2012, sections

1.4   201.061, subdivision 1, by adding a subdivision; 201.071, subdivisions 1, 3;

1.5   201.081; 203B.04, by adding a subdivision; 203B.17; Minnesota Statutes 2013

1.6   Supplement, sections 201.275; 203B.04, subdivision 1.

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

1.8   Section 1. Minnesota Statutes 2012, section 201.061, subdivision 1, is amended to read:

1.9   Subdivision 1. **Prior to election day.** (a) At any time except during the 20

1.10   days immediately preceding any regularly scheduled election, an eligible voter or any

1.11   individual who will be an eligible voter at the time of the next election may register to vote

1.12   in the precinct in which the voter maintains residence by completing a voter registration

1.13   application as described in section 201.071, subdivision 1, and submitting it. A completed

1.14   application may be submitted:

1.15   (1) in person or by mail to the county auditor of that county or to the Secretary

1.16   of State's Office; or

1.17   (2) electronically through a secure Web site that shall be maintained by the secretary

1.18   of state for this purpose, if the applicant has an e-mail address and provides the applicant's

1.19   verifiable Minnesota driver's license number, Minnesota state identification card number,

1.20   or the last four digits of the applicant's Social Security number.

1.21   A registration that is received in person or by mail no later than 5:00 p.m. on the

1.22   21st day preceding any election, or a registration received electronically through the

1.23   secretary of state's secure Web site no later than 11:59 p.m. on the 21st day preceding any

1.24   election, shall be accepted. An improperly addressed or delivered registration application

1.25   shall be forwarded within two working days after receipt to the county auditor of the

2.1 county where the voter maintains residence. A state or local agency or an individual that

2.2 accepts completed voter registration applications from a voter must submit the completed

2.3 applications to the secretary of state or the appropriate county auditor within ten calendar

2.4 days after the applications are dated by the voter.

2.5 (b) An application submitted electronically under paragraph (a), clause (2) may only

2.6 be transmitted to the county auditor for processing if the secretary of state has verified the

2.7 application information matches the information in a government database associated with

2.8 the applicant's driver's license number, state identification card number, or Social Security

2.9 number. The secretary of state must review all unverifiable voter registration applications

2.10 submitted electronically for evidence of suspicious activity and must forward any such

2.11 application to an appropriate law enforcement agency for investigation.

2.12 An individual may not electronically submit a voter registration application on

2.13 behalf of any other individual.

2.14 (c) For purposes of this section, mail registration is defined as a voter registration

2.15 application delivered to the secretary of state, county auditor, or municipal clerk by the

2.16 United States Postal Service or a commercial carrier.

2.17 Sec. 2. Minnesota Statutes 2012, section 201.061, is amended by adding a subdivision

2.18 to read:

2.19 Subd. 8. **Web site security.** (a) The secretary of state shall maintain a log of each

2.20 Internet Protocol address used to submit a voter registration application electronically

2.21 under subdivision 1, paragraph (a), clause (2), and must monitor the log, volume of

2.22 Web site use, and other appropriate indicators for suspicious activity. Evidence of

2.23 suspicious activity that can not be resolved by the secretary of state must be forwarded to

2.24 an appropriate law enforcement agency for investigation.

2.25 (b) The electronic registration system must be fully secure. The Web site shall

2.26 maintain the confidentiality of all users and preserve the integrity of the data submitted.

2.27 The secretary of state shall employ security measures to ensure the accuracy and integrity

2.28 of voter registration applications submitted electronically pursuant to this section. All data

2.29 sent and received through the system must be encrypted.

2.30 (c) The secretary of state must provide ongoing testing and monitoring to ensure

2.31 continued security. The secretary of state must work with the chief information officer or

2.32 another security expert to annually audit the security of the system.

2.33 (d) In developing the electronic voter registration system, the secretary of state must

2.34 consult with the chief information officer or the chief's designee to ensure the site is secure.

3.1   Sec. 3. Minnesota Statutes 2012, section 201.071, subdivision 1, is amended to read:

3.2   Subdivision 1. **Form.** Both paper and electronic voter registration applications must

3.3   contain the same information unless otherwise provided by law. A voter registration

3.4   application must be of suitable size and weight for mailing and contain spaces for the

3.5   following required information: voter's first name, middle name, and last name; voter's

3.6   previous name, if any; voter's current address; voter's previous address, if any; voter's

3.7   date of birth; voter's municipality and county of residence; voter's telephone number, if

3.8   provided by the voter; date of registration; current and valid Minnesota driver's license

3.9   number or Minnesota state identification number, or if the voter has no current and valid

3.10   Minnesota driver's license or Minnesota state identification, the last four digits of the

3.11   voter's Social Security number; and voter's signature. The paper registration application

3.12   may include the voter's e-mail address, if provided by the voter, and. The electronic

3.13   voter registration application must include the voter's e-mail address. The registration

3.14   application may include the voter's interest in serving as an election judge, if indicated by

3.15   the voter. The application must also contain the following certification of voter eligibility:

3.16   "I certify that I:

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

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

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

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

3.21   (5) am not under court-ordered guardianship in which the court order revokes my

3.22   right to vote;

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

3.24   (7) have the right to vote because, if I have been convicted of a felony, my felony

3.25   sentence has expired (been completed) or I have been discharged from my sentence; and

3.26   (8) have read and understand the following statement: that giving false information

3.27   is a felony punishable by not more than five years imprisonment or a fine of not more

3.28   than $10,000, or both."

3.29   The certification must include boxes for the voter to respond to the following

3.30   questions:

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

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

3.33   And the instruction:

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

3.35   A paper voter registration application must be of suitable size and weight for

3.36   mailing. The form of the voter registration application and the certification of voter

4.1 eligibility must be as provided in this subdivision and approved by the secretary of state.

4.2 Voter registration forms authorized by the National Voter Registration Act must also be

4.3 accepted as valid. The federal postcard application form must also be accepted as valid if

4.4 it is not deficient and the voter is eligible to register in Minnesota.

4.5 An individual may use a voter registration application to apply to register to vote in

4.6 Minnesota or to change information on an existing registration.

4.7 Sec. 4. Minnesota Statutes 2012, section 201.071, subdivision 3, is amended to read:

4.8 Subd. 3. **Deficient registration.** No voter registration application is deficient if it

4.9 contains the voter's name, address, date of birth, current and valid Minnesota driver's

4.10 license number or Minnesota state identification number, or if the voter has no current and

4.11 valid Minnesota driver's license or Minnesota state identification number, the last four

4.12 digits of the voter's Social Security number, if the voter has been issued a Social Security

4.13 number, prior registration, if any, and signature. The absence of a zip code number does

4.14 not cause the registration to be deficient. Failure to check a box on an application form

4.15 that a voter has certified to be true does not cause the registration to be deficient. The

4.16 election judges shall request an individual to correct a voter registration application if it is

4.17 deficient or illegible. No eligible voter may be prevented from voting unless the voter's

4.18 registration application is deficient or the voter is duly and successfully challenged in

4.19 accordance with section 201.195 or 204C.12.

4.20 A voter registration application accepted prior to August 1, 1983, is not deficient

4.21 for lack of date of birth. The county or municipality may attempt to obtain the date of

4.22 birth for a voter registration application accepted prior to August 1, 1983, by a request to

4.23 the voter at any time except at the polling place. Failure by the voter to comply with this

4.24 request does not make the registration deficient.

4.25 A voter registration application accepted before January 1, 2004, is not deficient for

4.26 lack of a valid Minnesota driver's license or state identification number or the last four

4.27 digits of a Social Security number. A voter registration application submitted by a voter

4.28 who does not have a Minnesota driver's license or state identification number, or a Social

4.29 Security number, is not deficient for lack of any of these numbers.

4.30 Notwithstanding the requirements of section 201.061, subdivision 1, a voter

4.31 registration application submitted electronically through the Web site of the secretary of

4.32 state prior to the effective date of this section is not invalid as a result of its electronic

4.33 submission.

5.1   Sec. 5. Minnesota Statutes 2012, section 201.081, is amended to read:

5.2   **201.081 REGISTRATION FILES.**

5.3   (a) The statewide registration system is the official record of registered voters.

5.4   The voter registration applications and the terminal providing access to the statewide

5.5   registration system must be under the control of the county auditor or the public official

5.6   to whom the county auditor has delegated the responsibility for maintaining voter

5.7   registration records. The voter registration applications and terminals providing access

5.8   to the statewide registration system must not be removed from the control of the county

5.9   auditor except as provided in this section. The county auditor may make photographic

5.10 copies of voter registration applications in the manner provided by section 138.17.

5.11   (b) A properly completed voter registration application that has been submitted

5.12   electronically or in paper form to the secretary of state or a county auditor must be

5.13 maintained by the secretary of state or the county auditor for at least 22 months after the

5.14 date that the information on the application is entered into the database of the statewide

5.15 registration system. The secretary of state or the county auditor may dispose of the

5.16 applications after retention for 22 months in the manner provided by section 138.17.

5.17   (c) Data contained on a voter registration application submitted electronically

5.18 through the secure Web site established in section 201.061, subdivision 1, must be

5.19 maintained in its original form, in a manner suitable for printing, for the period required

5.20 by this section. The Internet Protocol address used to submit an application electronically

5.21 must be maintained with the voter registration application data.

5.22   Sec. 6. Minnesota Statutes 2013 Supplement, section 201.275, is amended to read:

5.23   **201.275 INVESTIGATIONS; PROSECUTIONS.**

5.24   A law enforcement agency that is notified by affidavit of an alleged violation of this

5.25 chapter shall promptly investigate. Upon receiving an affidavit alleging a violation of this

5.26 chapter, a county attorney shall promptly forward it to a law enforcement agency with

5.27 jurisdiction for investigation. If there is probable cause for instituting a prosecution,

5.28 the county attorney shall proceed by complaint or present the charge, with whatever

5.29 evidence has been found, to the grand jury. A county attorney who refuses or intentionally

5.30 fails to faithfully perform this or any other duty imposed by this chapter is guilty of

5.31 a misdemeanor and upon conviction shall forfeit office. The county attorney, under

5.32 the penalty of forfeiture of office, shall prosecute all violations of this chapter except

5.33 violations of this section; if, however, a complainant withdraws an allegation under this

5.34 chapter, the county attorney is not required to proceed with the prosecution.

6.1   Where the matter relates to a voter registration application submitted electronically

6.2   through the secure Web site established in section 201.061, subdivision 1, alleged

6.3   violations of this chapter may be investigated and prosecuted in the county in which the

6.4   individual registered or attempted to register.

6.5   Sec. 7. Minnesota Statutes 2013 Supplement, section 203B.04, subdivision 1, is

6.6   amended to read:

6.7   Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by

6.8   subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for

6.9   any election may be submitted at any time not less than one day before the day of that

6.10   election. The county auditor shall prepare absentee ballot application forms in the format

6.11   provided by the secretary of state and shall furnish them to any person on request. By

6.12   January 1 of each even-numbered year, the secretary of state shall make the forms to be

6.13   used available to auditors through electronic means. An application submitted pursuant

6.14   to this subdivision shall be in writing and shall be submitted. An application may be

6.15   submitted in person or by mail to:

6.16   (1) the county auditor of the county where the applicant maintains residence; or

6.17   (2) the municipal clerk of the municipality, or school district if applicable, where

6.18   the applicant maintains residence.

6.19   For a federal, state, or county election, an absentee ballot application may alternatively

6.20   be submitted electronically through a secure Web site that shall be maintained by the

6.21   secretary of state for this purpose. Notwithstanding paragraph (b), the secretary of state

6.22   must require applicants using the Web site to submit the applicant's e-mail address and

6.23   verifiable Minnesota driver's license number, Minnesota state identification card number,

6.24   or the last four digits of the applicant's Social Security number.

6.25   An application submitted electronically under this paragraph may only be transmitted to

6.26   the county auditor for processing if the secretary of state has verified the application

6.27   information matches the information in a government database associated with the

6.28   applicant's driver's license number, state identification card number, or Social Security

6.29   number. The secretary of state must review all unverifiable applications for evidence

6.30   of suspicious activity and must forward any such application to an appropriate law

6.31   enforcement agency for investigation.

6.32   (b) An application shall be approved if it is timely received, signed and dated by

6.33   the applicant, contains the applicant's name and residence and mailing addresses, date

6.34   of birth, and at least one of the following:

6.35   (1) the applicant's Minnesota driver's license number;

7.1 (2) Minnesota state identification card number;

7.2 (3) the last four digits of the applicant's Social Security number; or

7.3 (4) a statement that the applicant does not have any of these numbers.

7.4 (c) To be approved, the application must contain an oath that the information

7.5 contained on the form is accurate, that the applicant is applying on the applicant's own

7.6 behalf, and that the applicant is signing the form under penalty of perjury.

7.7 (d) An applicant's full date of birth, Minnesota driver's license or state identification

7.8 number, and the last four digits of the applicant's Social Security number must not be

7.9 made available for public inspection. An application may be submitted to the county

7.10 auditor or municipal clerk by an electronic facsimile device. An application mailed or

7.11 returned in person to the county auditor or municipal clerk on behalf of a voter by a

7.12 person other than the voter must be deposited in the mail or returned in person to the

7.13 county auditor or municipal clerk within ten days after it has been dated by the voter and

7.14 no later than six days before the election. The absentee ballot applications or a list of

7.15 persons applying for an absentee ballot may not be made available for public inspection

7.16 until the close of voting on election day.

7.17 (e) An application under this subdivision may contain an application under

7.18 subdivision 5 to automatically receive an absentee ballot application.

7.19 Sec. 8. Minnesota Statutes 2012, section 203B.04, is amended by adding a subdivision

7.20 to read:

7.21 Subd. 7. **Web site security.** (a) The secretary of state shall maintain a log of each

7.22 Internet Protocol address used to submit an absentee ballot application electronically under

7.23 this section, and must monitor the log, volume of Web site use, and other appropriate

7.24 indicators for suspicious activity. Evidence of suspicious activity that can not be resolved

7.25 by the secretary of state must be forwarded to an appropriate law enforcement agency for

7.26 investigation.

7.27 (b) The electronic absentee ballot application system must be fully secure. The Web

7.28 site shall maintain the confidentiality of all users and preserve the integrity of the data

7.29 submitted. The secretary of state shall employ security measures to ensure the accuracy

7.30 and integrity of absentee ballot applications submitted electronically pursuant to this

7.31 section. All data sent and received through the system must be encrypted.

7.32 (c) The secretary of state must provide ongoing testing and monitoring to ensure

7.33 continued security. The secretary of state must work with the chief information officer or

7.34 another security expert to annually audit the security of the system.

8.1 (d) In developing the electronic voter registration system, the secretary of state must

8.2 consult with the chief information officer or the chief's designee to ensure the site is secure.

8.3 Sec. 9. Minnesota Statutes 2012, section 203B.17, is amended to read:

8.4 **203B.17 APPLICATION FOR BALLOT.**

8.5 Subdivision 1. **Submission of application.** (a) An application for absentee ballots

8.6 for a voter described in section 203B.16 must be in writing and may be submitted in

8.7 writing or person, by mail, by electronic facsimile device, or by electronic mail, or

8.8 electronically through a secure Web site that shall be maintained by the secretary of state

8.9 for this purpose, upon determination by the secretary of state that security concerns have

8.10 been adequately addressed. An application for absentee ballots for a voter described in

8.11 section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister,

8.12 brother, or child over the age of 18 years. For purposes of an application under this

8.13 subdivision, a person's Social Security number, no matter how it is designated, qualifies as

8.14 the person's military identification number if the person is in the military.

8.15 (b) An application for a voter described in section 203B.16, subdivision 1, shall be

8.16 submitted to the county auditor of the county where the voter maintains residence or

8.17 through the secure Web site maintained by the secretary of state.

8.18 (c) An application for a voter described in section 203B.16, subdivision 2, shall be

8.19 submitted to the county auditor of the county where the voter last maintained residence in

8.20 Minnesota or through the secure Web site maintained by the secretary of state.

8.21 (d) An application for absentee ballots shall be valid for any primary, special

8.22 primary, general election, or special election from the time the application is received

8.23 through the end of that calendar year.

8.24 (e) There shall be no limitation of time for filing and receiving applications for

8.25 ballots under sections 203B.16 to 203B.27.

8.26 Subd. 2. **Required information.** An application shall be accepted if it contains the

8.27 following information stated under oath:

8.28 (a) the voter's name, birthdate, and present address of residence in Minnesota, or

8.29 former address of residence in Minnesota if the voter is living permanently outside the

8.30 United States;

8.31 (b) a statement indicating that the voter is in the military, or is the spouse or

8.32 dependent of an individual serving in the military, or is temporarily outside the territorial

8.33 limits of the United States, or is living permanently outside the territorial limits of the

8.34 United States and voting under federal law;

9.1   (c) a statement that the voter expects to be absent from the precinct at the time

9.2   of the election;

9.3   (d) the address to which absentee ballots are to be mailed;

9.4   (e) the voter's signature or the signature and relationship of the individual authorized

9.5   to apply on the voter's behalf; ~~and~~

9.6   (f) the voter's passport number, Minnesota driver's license or state identification card

9.7   number, or the last four digits of the voter's Social Security number; if the voter does not

9.8   have access to any of these documents, the voter or other individual requesting absentee

9.9   ballots may attest to the truthfulness of the contents of the application under penalty

9.10   of perjury; and

9.11   (g) the voter's e-mail address, if the application was submitted electronically through

9.12   the secure Web site maintained by the secretary of state.

9.13   Notwithstanding clause (f), an application submitted through the secretary of state's Web

9.14   site must include the voter's verifiable Minnesota driver's license number, Minnesota state

9.15   identification card number, or the last four digits of the voter's Social Security number,

9.16   and may only be transmitted to the county auditor for processing if the secretary of

9.17   state has verified the application information matches the information in a government

9.18   database associated with the applicant's driver's license number, state identification card

9.19   number, or Social Security number. The secretary of state must review all unverifiable

9.20   applications for evidence of suspicious activity and must forward any such application to

9.21   an appropriate law enforcement agency for investigation.

9.22   Subd. 3. **Web site security.** (a) The secretary of state shall maintain a log of each

9.23   Internet Protocol address used to submit an absentee ballot application electronically under

9.24   this section, and must monitor the log, volume of Web site use, and other appropriate

9.25   indicators for suspicious activity. Evidence of suspicious activity that can not be resolved

9.26   by the secretary of state must be forwarded to an appropriate law enforcement agency for

9.27   investigation.

9.28   (b) The electronic absentee ballot application system must be fully secure. The Web

9.29   site shall maintain the confidentiality of all users and preserve the integrity of the data

9.30   submitted. The secretary of state shall employ security measures to ensure the accuracy

9.31   and integrity of absentee ballot applications submitted electronically pursuant to this

9.32   section. All data sent and received through the system must be encrypted.

9.33   (c) The secretary of state must provide ongoing testing and monitoring to ensure

9.34   continued security. The secretary of state must work with the chief information officer or

9.35   another security expert to annually audit the security of the system.

10.1   (d) In developing the electronic voter registration system, the secretary of state must

10.2   consult with the chief information officer or the chief's designee to ensure the site is secure.

10.3   Sec. 10. **EFFECTIVE DATE.**

10.4   This act is effective the day following final enactment.