

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 355

(SENATE AUTHORS: CHAMPION, Petersen, B., Eaton, Thompson and Chamberlain)

DATE	D-PG	OFFICIAL STATUS
01/29/2015	160	Introduction and first reading Referred to Judiciary
02/23/2015	385a	Comm report: To pass as amended and re-refer to Rules and Administration
03/12/2015		Comm report: To pass as amended Second reading

1.1

A bill for an act

1.2

relating to public safety; restoring the civil right to vote of an individual

1.3

upon release from incarceration; requiring notice; repealing county attorney

1.4

obligation to promptly investigate voter registration and eligibility; amending

1.5

Minnesota Statutes 2014, sections 201.014, by adding a subdivision; 201.071,

1.6

subdivision 1; 201.157; 204C.08, subdivision 1d; 204C.10; 609.165, subdivision

1.7

1; proposing coding for new law in Minnesota Statutes, chapters 201; 243;

1.8

repealing Minnesota Statutes 2014, sections 201.155; 201.275.

1.9

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

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Section 1. Minnesota Statutes 2014, section 201.014, is amended by adding a

1.11

subdivision to read:

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Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual

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convicted of a felony has the civil right to vote restored when the individual completes

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any incarceration imposed and executed by the court for the offense, and during any other

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period following conviction in which the individual is not incarcerated. If the individual

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is later incarcerated for the same offense, the individual's civil right to vote is lost only

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during the period of incarceration.

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

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

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

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application must contain spaces for the following required information: voter's first name,

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middle name, and last name; voter's previous name, if any; voter's current address; voter's

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previous address, if any; voter's date of birth; voter's municipality and county of residence;

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voter's telephone number, if provided by the voter; date of registration; current and valid

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Minnesota driver's license number or Minnesota state identification number, or if the voter

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

"I certify that I:

- (1) will be at least 18 years old on election day;
- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship in which the court order revokes my right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) ~~have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence~~ am not currently incarcerated for a felony offense; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

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

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

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

And the instruction:

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

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

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

Sec. 3. Minnesota Statutes 2014, section 201.157, is amended to read:

201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.

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

~~(1) serving felony sentences under the commissioner's jurisdiction; or~~
~~(2) on probation for felony offenses that would result in the loss of civil rights, as indicated by the statewide supervision system established under section 241.065.~~

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

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

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

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

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

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

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

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

Sec. 4. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.**

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

Sec. 5. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

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

"VOTER'S BILL OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2014, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

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

(1) is at least 18 years of age;

(2) is a citizen of the United States;

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

(4) maintains residence at the address shown;

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

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

(7) 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 ~~completed the term of incarceration, if any, for the felony offense;~~

6.1 (8) is registered; and

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

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

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

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

6.13 Sec. 7. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

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

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

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

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

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

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

6.29 Your receipt of this notice today means that your right to vote in Minnesota has
6.30 been restored. Before you can vote on election day, you still need to register to vote. To
6.31 register, you may complete a voter registration application and return it to the Office of
6.32 the Minnesota Secretary of State. You may also register to vote in your polling place on
6.33 election day. You will not be permitted to cast a ballot until you register to vote. The first
6.34 time you appear at your polling place to cast a ballot, you may be required to provide
6.35 proof of your current residence."

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

7.3 Sec. 8. Minnesota Statutes 2014, section 609.165, subdivision 1, is amended to read:

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

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

7.10 Sec. 9. **REPEALER.**

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

7.12 Sec. 10. **EFFECTIVE DATE.**

7.13 This act is effective August 1, 2015, and applies to elections held on or after that date.

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 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 by complaint or present the charge, with whatever evidence has been found, to the grand jury. 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. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

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.