SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 856

1.1   A bill for an act

1.2   relating to public safety; restoring the civil right to vote of an individual upon
1.3   release from incarceration or upon sentencing if no incarceration is imposed;
1.4   requiring notice; repealing county attorney obligation to promptly investigate voter
1.5   registration and eligibility; amending Minnesota Statutes 2018, sections 201.014,
1.6   by adding a subdivision; 201.071, subdivision 1; 204C.10; 609.165, subdivision
1.7   1; proposing coding for new law in Minnesota Statutes, chapters 201; 243; repealing
1.8   Minnesota Statutes 2018, section 201.275.

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

1.10   Section 1. Minnesota Statutes 2018, section 201.014, is amended by adding a subdivision

1.11   to read:

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

1.13   of a felony has the civil right to vote restored when the individual completes any incarceration

1.14   imposed and executed by the court for the offense, or upon sentencing if no incarceration

1.15   is imposed. If the individual is later incarcerated for the same offense, the individual's civil

1.16   right to vote is lost only during the period of incarceration.

1.17   Sec. 2. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:

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

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

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

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

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

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

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

2.1   has no current and valid Minnesota driver's license or Minnesota state identification, the

2.2   last four digits of the voter's Social Security number; and voter's signature. The paper

2.3   registration application may include the voter's e-mail address, if provided by the voter. The

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

2.5   registration application may include the voter's interest in serving as an election judge, if

2.6   indicated by the voter. The application must also contain the following certification of voter

2.7   eligibility:

2.8   "I certify that I:

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

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

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

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

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

2.14   to vote;

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

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

2.17   ~~has expired (been completed) or I have been discharged from my sentence~~ <u>am not currently</u>

2.18   <u>incarcerated for a felony offense</u>; and

2.19   (8) have read and understand the following statement: that giving false information is a

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

2.21 $10,000, or both."

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

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

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

2.25   And the instruction:

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

2.27   The form of the voter registration application and the certification of voter eligibility

2.28   must be as provided in this subdivision and approved by the secretary of state. Voter

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

2.30   as valid. The federal postcard application form must also be accepted as valid if it is not

2.31   deficient and the voter is eligible to register in Minnesota.

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

3.2   Minnesota or to change information on an existing registration.

3.3   Sec. 3. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT**

3.4   **VOTING RIGHTS.**

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

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

3.7   a crime. This publication must be made available electronically to the state court administrator

3.8   for distribution to judges, court personnel, probation officers, and the commissioner of

3.9   corrections for distribution to corrections officials, parole and supervised release agents,

3.10   and the public.

3.11   Sec. 4. Minnesota Statutes 2018, section 204C.10, is amended to read:

3.12   **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**

3.13   **VOTER RECEIPT.**

3.14   (a) An individual seeking to vote shall sign a polling place roster or voter signature

3.15   certificate which states that the individual:

3.16   (1) is at least 18 years of age,;

3.17   (2) is a citizen of the United States,;

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

3.19   (4) maintains residence at the address shown,;

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

3.21   vote,;

3.22   (6) has not been found by a court of law to be legally incompetent to vote or;

3.23   (7) has the right to vote because, if the individual was convicted of a felony, ~~the felony~~

3.24   ~~sentence has expired or been completed or~~ the individual has ~~been discharged from the~~

3.25   ~~sentence,~~ completed the term of incarceration, if any, for the felony offense;

3.26   (8) is registered; and

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

3.28   The roster must also state: "I understand that deliberately providing false information

3.29   is a felony punishable by not more than five years imprisonment and a fine of not more than

3.30 $10,000, or both."

4.1   (b) At the presidential nomination primary, the polling place roster must also state: "I

4.2   am in general agreement with the principles of the party for whose candidate I intend to

4.3   vote, and I understand that my choice of a party's ballot will be public information." This

4.4   statement must appear separately from the statements required in paragraph (a). The felony

4.5   penalty provided for in paragraph (a) does not apply to this paragraph.

4.6   (c) A judge may, before the applicant signs the roster or voter signature certificate,

4.7   confirm the applicant's name, address, and date of birth.

4.8   (d) After the applicant signs the roster or voter signature certificate, the judge shall give

4.9   the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in

4.10   charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to

4.11   the voter the ballot. The voters' receipts must be maintained during the time for notice of

4.12   filing an election contest.

4.13   (e) Whenever a challenged status appears on the polling place roster, an election judge

4.14   must ensure that the challenge is concealed or hidden from the view of any voter other than

4.15   the voter whose status is challenged.

4.16   Sec. 5. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

4.17   Subdivision 1. **Correctional facilities; designation of official.** The chief executive

4.18   officer of each state and local correctional facility shall designate an official within the

4.19   facility to provide the notice and application required under this section to persons to whom

4.20   the civil right to vote is restored by reason of the persons' release from actual incarceration.

4.21   The official shall maintain an adequate supply of voter registration applications and

4.22   informational materials for this purpose.

4.23   Subd. 2. **Notice requirement.** A notice of restoration of the civil right to vote and a

4.24   voter registration application must be provided as follows:

4.25   (1) the chief executive officer of each state and local correctional facility shall provide

4.26   the notice and application to a person being released from the facility following incarceration

4.27   for a felony-level offense; and

4.28   (2) a probation officer or supervised release agent shall provide the notice and application

4.29   to all individuals under correctional supervision for a felony-level offense.

4.30   Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially

4.31   as follows:

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

5.1   Your receipt of this notice today means that your right to vote in Minnesota has been

5.2   restored. Before you can vote on election day, you still need to register to vote. To register,

5.3   you may complete a voter registration application and return it to the Office of the Minnesota

5.4   Secretary of State. You may also register to vote in your polling place on election day. You

5.5   will not be permitted to cast a ballot until you register to vote. The first time you appear at

5.6   your polling place to cast a ballot, you may be required to provide proof of your current

5.7   residence."

5.8   Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by

5.9   this section does not prevent the restoration of the person's civil right to vote.

5.10   Sec. 6. Minnesota Statutes 2018, section 609.165, subdivision 1, is amended to read:

5.11   Subdivision 1. **Restoration.** When a person has been deprived of civil rights by reason

5.12   of conviction of a crime and is thereafter discharged, such discharge shall restore the person

5.13   to all civil rights and to full citizenship, with full right to ~~vote and~~ hold office, the same as

5.14   if such conviction had not taken place, and the order of discharge shall so provide.

5.15   Sec. 7. **REPEALER.**

5.16   Minnesota Statutes 2018, section 201.275, is repealed.

201.275 INVESTIGATIONS; PROSECUTIONS.

(a) 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 according to the generally applicable standards regarding the prosecutorial functions and duties of a county attorney, provided that the county attorney is not required to proceed with the prosecution if the complainant withdraws the allegation. 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.

(b) Willful violation of this chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

(c) Where the matter relates to a voter registration application submitted electronically through the secure website 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.