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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1500

- 02/21/2019 Authored by Winkler, Gomez, Hamilton, Tabke, Mariani and others
The bill was read for the first time and referred to the Committee on Ways and Means
- 03/07/2019 Adoption of Report: Amended and re-referred to the Committee on Government Operations
- 03/18/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/05/2019 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to transportation; modifying requirements for a noncompliant driver's

1.3 license or Minnesota identification card and making related changes, including on

1.4 eligibility, proof of lawful presence, primary and secondary documentation, voter

1.5 registration, and data practices; making technical changes; appropriating money;

1.6 amending Minnesota Statutes 2018, sections 13.6905, by adding a subdivision;

1.7 171.04, subdivision 5; 171.06, subdivision 3, by adding subdivisions; 171.07,

1.8 subdivisions 1, 3, 4; 171.12, subdivisions 7a, 9, by adding subdivisions; 171.17,

1.9 by adding a subdivision; 171.27; 201.061, subdivision 3; repealing Minnesota

1.10 Statutes 2018, section 171.015, subdivision 7.

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

1.12 ARTICLE 1

1.13 LICENSES AND IDENTIFICATION CARDS

1.14 Section 1. Minnesota Statutes 2018, section 171.04, subdivision 5, is amended to read:

1.15 Subd. 5. **Temporary lawful admission.** The commissioner is prohibited from issuing

1.16 a driver's license or Minnesota identification card to an applicant ~~whose~~ having a lawful

1.17 temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph

1.18 (b), clause (2), that expires within 30 days of the date of the application.

1.19 Sec. 2. Minnesota Statutes 2018, section 171.06, subdivision 3, is amended to read:

1.20 Subd. 3. **Contents of application; other information.** (a) An application must:

1.21 (1) state the full name, date of birth, sex, and either (i) the residence address of the

1.22 applicant, or (ii) designated address under section 5B.05;

2.1 (2) as may be required by the commissioner, contain a description of the applicant and
2.2 any other facts pertaining to the applicant, the applicant's driving privileges, and the
2.3 applicant's ability to operate a motor vehicle with safety;

2.4 (3) state:

2.5 (i) the applicant's Social Security number; or

2.6 (ii) if the applicant does not have a Social Security number and is applying for a
2.7 Minnesota identification card, instruction permit, or class D provisional or driver's license,
2.8 that the applicant certifies that the applicant is not eligible for a Social Security number;

2.9 (4) contain a notification to the applicant of the availability of a living will/health care
2.10 directive designation on the license under section 171.07, subdivision 7; and

2.11 (5) contain spaces where the applicant may:

2.12 (i) request a veteran designation on the license under section 171.07, subdivision 15,
2.13 and the driving record under section 171.12, subdivision 5a;

2.14 (ii) indicate a desire to make an anatomical gift under paragraph (d); and

2.15 (iii) as applicable, designate document retention as provided under section 171.12,
2.16 subdivision 3c.

2.17 (b) Applications must be accompanied by satisfactory evidence demonstrating:

2.18 (1) identity, date of birth, and any legal name change if applicable; and

2.19 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
2.20 the REAL ID Act:

2.21 (i) principal residence address in Minnesota, including application for a change of address,
2.22 unless the applicant provides a designated address under section 5B.05;

2.23 (ii) Social Security number, or related documentation as applicable; and

2.24 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.

2.25 (c) An application for an enhanced driver's license or enhanced identification card must
2.26 be accompanied by:

2.27 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
2.28 citizenship; and

2.29 (2) a photographic identity document.

3.1 Sec. 3. Minnesota Statutes 2018, section 171.06, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 7. **Noncompliant license or identification card; lawful status.** (a) A person is
3.4 not required to demonstrate United States citizenship or lawful presence in the United States
3.5 in order to obtain a noncompliant driver's license or identification card.

3.6 (b) Minnesota Rules, part 7410.0410, or successor rules, does not apply for a
3.7 noncompliant driver's license or identification card.

3.8 (c) If an applicant is listed in any disqualifying database or registry specified under
3.9 paragraph (d), the commissioner is prohibited from issuing or renewing a noncompliant
3.10 driver's license or identification card to that applicant. The commissioner must absorb all
3.11 costs associated with implementing this paragraph using existing appropriations and
3.12 resources.

3.13 (d) Disqualifying databases and registries for purposes of paragraph (c) are:

3.14 (1) the National Sex Offender Registry;

3.15 (2) the National Crime Information Center's:

3.16 (i) wanted person database;

3.17 (ii) gang database;

3.18 (iii) known or suspected terrorist database;

3.19 (iv) violent person database;

3.20 (v) foreign fugitive database;

3.21 (vi) immigration violator database; and

3.22 (vii) protection order database; and

3.23 (3) the National Driver Register.

3.24 Sec. 4. Minnesota Statutes 2018, section 171.06, is amended by adding a subdivision to
3.25 read:

3.26 Subd. 8. **Noncompliant license or identification card; general requirements.** (a) A
3.27 document submitted under this subdivision or subdivision 9 or 10 must be legible and
3.28 unaltered, an original or a copy certified by the issuing agency, and accompanied by a
3.29 certified translation or an affidavit of translation into English if the document is not in
3.30 English.

4.1 (b) A document submitted under this subdivision or subdivision 9 or 10 must (1) be
4.2 issued to or provided for the applicant, and (2) include the applicant's name.

4.3 (c) If the applicant's current legal name is different from the name on a document
4.4 submitted under subdivision 9 or 10, the applicant must submit:

4.5 (1) a certified copy of a court order that specifies the applicant's name change;

4.6 (2) a certified copy of the applicant's certificate of marriage;

4.7 (3) a certified copy of a divorce decree or dissolution of marriage that specifies the
4.8 applicant's name change, issued by a court; or

4.9 (4) similar documentation of a lawful change of name as determined by the commissioner.

4.10 (d) The commissioner must establish a process to grant a waiver from the requirements
4.11 under this subdivision and subdivisions 9 and 10.

4.12 (e) The same document must not be submitted as both a primary document under
4.13 subdivision 9 and a secondary document under subdivision 10.

4.14 Sec. 5. Minnesota Statutes 2018, section 171.06, is amended by adding a subdivision to
4.15 read:

4.16 Subd. 9. **Noncompliant license or identification card; primary documents.** (a) For
4.17 a noncompliant driver's license or identification card, primary documents under Minnesota
4.18 Rules, part 7410.0400, subpart 2, or successor rules, include the following:

4.19 (1) a noncompliant driver's license or identification card that is current or has been
4.20 expired for five years or less;

4.21 (2) an unexpired foreign passport or a foreign consular identification document that
4.22 bears a photograph of the applicant; and

4.23 (3) a certified birth certificate issued by a foreign jurisdiction.

4.24 (b) A document submitted under this subdivision must contain security features that
4.25 make the document as impervious to alteration as is reasonably practicable in its design and
4.26 quality of material and technology.

4.27 (c) For purposes of this subdivision and subdivision 10, "foreign" means a jurisdiction
4.28 that is not, and is not within, the United States, the Commonwealth of the Northern Mariana
4.29 Islands, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, or a
4.30 territory of the United States.

4.31 (d) Submission of more than one primary document is not required under this subdivision.

5.1 Sec. 6. Minnesota Statutes 2018, section 171.06, is amended by adding a subdivision to
5.2 read:

5.3 Subd. 10. **Noncompliant license or identification card; secondary documents.** (a)

5.4 For a noncompliant driver's license or identification card, secondary documents under
5.5 Minnesota Rules, part 7410.0400, subpart 3, or successor rules, include the following:

5.6 (1) a second document listed under subdivision 9, paragraph (a);

5.7 (2) a notice of action on or proof of submission of a completed Application for Asylum
5.8 and for Withholding of Removal issued by the United States Department of Homeland
5.9 Security, Form I-589;

5.10 (3) a certificate of eligibility for nonimmigrant student status issued by United States
5.11 Department of Homeland Security, Form I-20;

5.12 (4) a certificate of eligibility for exchange visitor status issued by the United States
5.13 Department of State, Form DS-2019;

5.14 (5) a Deferred Action for Childhood Arrival approval notice issued by United States
5.15 Department of Homeland Security;

5.16 (6) an employment authorization document issued by the United States Department of
5.17 Homeland Security, Form I-688, Form I-688A, Form I-688B, or Form I-766;

5.18 (7) a document issued by the Social Security Administration with an individual taxpayer
5.19 identification number;

5.20 (8) mortgage documents for the applicant's residence;

5.21 (9) a filed property deed or title for the applicant's residence;

5.22 (10) a United States high school identification card with a certified transcript from the
5.23 school;

5.24 (11) a Minnesota college or university identification card with a certified transcript from
5.25 the college or university;

5.26 (12) a Social Security card;

5.27 (13) a Minnesota unemployment insurance benefit statement issued no more than 90
5.28 days before the application;

5.29 (14) a valid identification card for health benefits or an assistance or social services
5.30 program;

6.1 (15) a Minnesota vehicle certificate of title issued no more than 12 months before the
6.2 application;

6.3 (16) an unexpired Selective Service card;

6.4 (17) military orders that are still in effect at the time of application;

6.5 (18) a certified copy of the applicant's certificate of marriage;

6.6 (19) a certified copy of a court order that specifies the applicant's name change;

6.7 (20) a certified copy of a divorce decree or dissolution of marriage that specifies the
6.8 applicant's name change, issued by a court;

6.9 (21) any of the following documents issued by a foreign jurisdiction:

6.10 (i) a driver's license that is current or has been expired for five years or less;

6.11 (ii) a high school, college, or university student identification card with a certified
6.12 transcript from the school;

6.13 (iii) an official high school, college, or university transcript that includes the applicant's
6.14 date of birth and a photograph of the applicant at the age the record was issued; and

6.15 (iv) a federal electoral photographic card issued on or after January 1, 1991; and

6.16 (22) additional documents as determined by the commissioner.

6.17 (b) Submission of more than one secondary document is not required under this
6.18 subdivision.

6.19 Sec. 7. Minnesota Statutes 2018, section 171.07, subdivision 1, is amended to read:

6.20 Subdivision 1. **License; contents and design.** (a) Upon the payment of the required fee,
6.21 the department shall issue to every qualifying applicant a license designating the type or
6.22 class of vehicles the applicant is authorized to drive as applied for. This license must bear:
6.23 (1) a distinguishing number assigned to the licensee; (2) the licensee's full name and date
6.24 of birth; (3) either (i) the licensee's residence address, or (ii) the designated address under
6.25 section 5B.05; (4) a description of the licensee in a manner as the commissioner deems
6.26 necessary; (5) the usual signature of the licensee; and (6) designations and markings as
6.27 provided in this section. No license is valid unless it bears the usual signature of the licensee.
6.28 Every license must bear a colored photograph or an electronically produced image of the
6.29 licensee.

6.30 (b) If the United States Postal Service will not deliver mail to the applicant's residence
6.31 address as listed on the license, then the applicant shall provide verification from the United

7.1 States Postal Service that mail will not be delivered to the applicant's residence address and
7.2 that mail will be delivered to a specified alternate mailing address. When an applicant
7.3 provides an alternate mailing address under this subdivision, the commissioner shall use
7.4 the alternate mailing address in lieu of the applicant's residence address for all notices and
7.5 mailings to the applicant.

7.6 (c) Every license issued to an applicant under the age of 21 must be of a distinguishing
7.7 color and plainly marked "Under-21."

7.8 (d) A license issued to an applicant age 65 or over must be plainly marked "senior" if
7.9 requested by the applicant.

7.10 (e) Except for an enhanced driver's license or a noncompliant license, a license must
7.11 bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

7.12 (f) A noncompliant license must:

7.13 (1) be marked "not for federal identification" on the face and in the machine-readable
7.14 portion; and

7.15 (2) have a unique design or color indicator for purposes of the REAL ID Act.

7.16 (g) A noncompliant license issued under any of the following circumstances must be
7.17 marked "not for voting" on the front side commensurate with other text, and must bear no
7.18 other indication regarding lawful presence of the license holder:

7.19 (1) the application is for first-time issuance of a license in Minnesota, and the applicant
7.20 has not demonstrated United States citizenship;

7.21 (2) the applicant's most recently issued noncompliant license or identification card is
7.22 marked as required under this paragraph or subdivision 3, paragraph (g), and the applicant
7.23 has not demonstrated United States citizenship; or

7.24 (3) the applicant submits a document that identifies a temporary lawful status or admission
7.25 period.

7.26 (h) A REAL ID compliant license issued to a person with temporary lawful status or
7.27 admission period must be marked "temporary" on the face and in the machine-readable
7.28 portion.

7.29 ~~(h)~~ (i) A license must display the licensee's full name or no fewer than 39 characters of
7.30 the name. Any necessary truncation must begin with the last character of the middle name
7.31 and proceed through the second letter of the middle name, followed by the last character of
7.32 the first name and proceeding through the second letter of the first name.

8.1 Sec. 8. Minnesota Statutes 2018, section 171.07, subdivision 3, is amended to read:

8.2 Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required
8.3 fee, the department shall issue to every qualifying applicant a Minnesota identification card.
8.4 The department may not issue a Minnesota identification card to an individual who has a
8.5 driver's license, other than a limited license. The department may not issue an enhanced
8.6 identification card to an individual who is under 16 years of age, not a resident of this state,
8.7 or not a citizen of the United States of America. The card must bear: (1) a distinguishing
8.8 number assigned to the applicant; (2) a colored photograph or an electronically produced
8.9 image of the applicant; (3) the applicant's full name and date of birth; (4) either (i) the
8.10 licensee's residence address, or (ii) the designated address under section 5B.05; (5) a
8.11 description of the applicant in the manner as the commissioner deems necessary; (6) the
8.12 usual signature of the applicant; and (7) designations and markings provided under this
8.13 section.

8.14 (b) If the United States Postal Service will not deliver mail to the applicant's residence
8.15 address as listed on the Minnesota identification card, then the applicant shall provide
8.16 verification from the United States Postal Service that mail will not be delivered to the
8.17 applicant's residence address and that mail will be delivered to a specified alternate mailing
8.18 address. When an applicant provides an alternate mailing address under this subdivision,
8.19 the commissioner shall use the alternate mailing address in lieu of the applicant's residence
8.20 address for all notices and mailings to the applicant.

8.21 (c) Each identification card issued to an applicant under the age of 21 must be of a
8.22 distinguishing color and plainly marked "Under-21."

8.23 (d) Each Minnesota identification card must be plainly marked "Minnesota identification
8.24 card - not a driver's license."

8.25 (e) Except for an enhanced identification card or a noncompliant identification card, a
8.26 Minnesota identification card must bear a distinguishing indicator for compliance with
8.27 requirements of the REAL ID Act.

8.28 (f) A noncompliant identification card must:

8.29 (1) be marked "not for federal identification" on the face and in the machine-readable
8.30 portion; and

8.31 (2) have a unique design or color indicator for purposes of the REAL ID Act.

9.1 (g) A noncompliant identification card issued under any of the following circumstances
9.2 must be marked "not for voting" on the front side commensurate with other text, and must
9.3 bear no other indication regarding lawful presence of the identification card holder:

9.4 (1) the application is for first-time issuance of a Minnesota identification card, and the
9.5 applicant has not demonstrated United States citizenship;

9.6 (2) the applicant's most recently issued noncompliant license or identification card is
9.7 marked as required under this paragraph or subdivision 1, paragraph (g), and the applicant
9.8 has not demonstrated United States citizenship; or

9.9 (3) the applicant submits a document that identifies a temporary lawful status or admission
9.10 period.

9.11 (h) A Minnesota REAL ID compliant identification card issued to a person with temporary
9.12 lawful status or admission period must be marked "temporary" on the face and in the
9.13 machine-readable portion.

9.14 ~~(h)~~ (i) A Minnesota identification card must display the cardholder's full name or no
9.15 fewer than 39 characters of the name. Any necessary truncation must begin with the last
9.16 character of the middle name and proceed through the second letter of the middle name,
9.17 followed by the last character of the first name and proceeding through the second letter of
9.18 the first name.

9.19 ~~(i)~~ (j) The fee for a Minnesota identification card is 50 cents when issued to a person
9.20 who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically
9.21 disabled person, as defined in section 169.345, subdivision 2; or, a person with mental
9.22 illness, as described in section 245.462, subdivision 20, paragraph (c).

9.23 Sec. 9. Minnesota Statutes 2018, section 171.07, subdivision 4, is amended to read:

9.24 Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this
9.25 subdivision, the expiration date of a Minnesota identification card is the birthday of the
9.26 applicant in the fourth year following the date of issuance of the card.

9.27 (b) For an applicant age 65 or older:

9.28 (1) the expiration date of a Minnesota identification card is the birthday of the applicant
9.29 in the eighth year following the date of issuance of the card; or

9.30 (2) a noncompliant identification card is valid for the lifetime of the applicant.

9.31 (c) For the purposes of paragraph (b), "Minnesota identification card" does not include
9.32 an enhanced identification card issued to an applicant age 65 or older.

10.1 (d) The expiration date for an Under-21 identification card is the cardholder's 21st
10.2 birthday. The commissioner shall issue an identification card to a holder of an Under-21
10.3 identification card who applies for the card, pays the required fee, and presents proof of
10.4 identity and age, unless the commissioner determines that the applicant is not qualified for
10.5 the identification card.

10.6 (e) Notwithstanding paragraphs (a) to (d), the expiration date for an identification card
10.7 that meets all requirements of the REAL ID Act issued to a person with temporary lawful
10.8 status is (1) the last day of the person's legal stay in the United States, or (2) one year after
10.9 issuance if the last day of the person's legal stay is not identified.

10.10 (f) Notwithstanding paragraphs (a) to (b), the expiration date for a noncompliant
10.11 identification card that must be marked as provided in subdivision 3, paragraph (g), is the
10.12 earlier of (1) the birthday of the applicant in the second year following the date of issuance
10.13 of the card, or (2) as provided in paragraph (d).

10.14 Sec. 10. Minnesota Statutes 2018, section 171.17, is amended by adding a subdivision to
10.15 read:

10.16 Subd. 2a. **Voting offenses.** Upon notification by the secretary of state that a person has
10.17 voted in a federal, state, or local election, and at the time of voting the person was not eligible
10.18 to vote and held a noncompliant driver's license marked as provided in section 171.07,
10.19 subdivision 1, paragraph (g), the commissioner must immediately revoke the driver's license.
10.20 A revocation under this subdivision is permanent.

10.21 Sec. 11. Minnesota Statutes 2018, section 171.27, is amended to read:

10.22 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

10.23 (a) Except as otherwise provided in this section, the expiration date for each driver's
10.24 license is the birthday of the driver in the fourth year following the date of issuance of the
10.25 license. The birthday of the driver shall be as indicated on the application for a driver's
10.26 license. A license may be renewed on or before expiration or within one year after expiration
10.27 upon application, payment of the required fee, and passing the examination required of all
10.28 drivers for renewal. Driving privileges shall be extended or renewed on or preceding the
10.29 expiration date of an existing driver's license unless the commissioner believes that the
10.30 licensee is no longer qualified as a driver.

10.31 (b) The expiration date for each under-21 license shall be the 21st birthday of the licensee.
10.32 Upon the licensee attaining the age of 21 and upon the application, payment of the required

11.1 fee, and passing the examination required of all drivers for renewal, a driver's license shall
11.2 be issued unless the commissioner determines that the licensee is no longer qualified as a
11.3 driver.

11.4 (c) The expiration date for each provisional license is two years after the date of
11.5 application for the provisional license.

11.6 (d) Notwithstanding paragraphs (a) to (c), the expiration date for a license that meets all
11.7 requirements of the REAL ID Act issued to a person with temporary lawful status is (1) the
11.8 last day of the person's legal stay in the United States, or (2) one year after issuance if the
11.9 last day of the person's legal stay is not identified.

11.10 (e) Notwithstanding paragraphs (a) to (c), the expiration date for a license that must be
11.11 marked as provided in section 171.07, subdivision 1, paragraph (g), is the earlier of (1) the
11.12 birthday of the applicant in the second year following the date of issuance of the license,
11.13 or (2) as provided in paragraph (b).

11.14 (f) Any valid Minnesota driver's license issued to a person then or subsequently serving
11.15 outside Minnesota in active military service, as defined in section 190.05, subdivision 5, in
11.16 any branch or unit of the armed forces of the United States, or the person's spouse, shall
11.17 continue in full force and effect without requirement for renewal until the date one year
11.18 following the service member's separation or discharge from active military service, and
11.19 until the license holder's birthday in the fourth full year following the person's most recent
11.20 license renewal or, in the case of a provisional license, until the person's birthday in the
11.21 third full year following the renewal.

11.22 Sec. 12. **APPROPRIATIONS.**

11.23 \$267,000 in fiscal year 2019 is appropriated from the general fund to the commissioner
11.24 of public safety to implement the requirements of this act. This is a onetime appropriation
11.25 and is available until June 30, 2020.

11.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.27 Sec. 13. **REPEALER.**

11.28 Minnesota Statutes 2018, section 171.015, subdivision 7, is repealed.

11.29 Sec. 14. **EFFECTIVE DATE.**

11.30 Unless provided otherwise, this act is effective October 1, 2019, for driver's license and
11.31 Minnesota identification card applications and issuance on or after that date.

ARTICLE 2

DATA PROTECTIONS

12.1

12.2

12.3 Section 1. Minnesota Statutes 2018, section 13.6905, is amended by adding a subdivision
12.4 to read:

12.5 Subd. 36. **Noncompliant license or identification card; lawful status.** Data on certain
12.6 noncompliant driver's licenses or identification cards are governed by section 171.12,
12.7 subdivisions 11 and 12.

12.8 Sec. 2. Minnesota Statutes 2018, section 171.12, subdivision 7a, is amended to read:

12.9 Subd. 7a. **Disclosure of personal information.** (a) The commissioner shall disclose
12.10 personal information where the use is related to the operation of a motor vehicle or to public
12.11 safety. The use of personal information is related to public safety if it concerns the physical
12.12 safety or security of drivers, vehicles, pedestrians, or property. The commissioner may
12.13 refuse to disclose data under this subdivision when the commissioner concludes that the
12.14 requester is likely to use the data for illegal, improper, or noninvestigative purposes. Nothing
12.15 in this paragraph authorizes disclosure of data restricted under subdivision 11.

12.16 (b) The commissioner shall disclose personal information to the secretary of state for
12.17 the purpose of increasing voter registration and improving the accuracy of voter registration
12.18 records in the statewide voter registration system. The secretary of state may not retain data
12.19 provided by the commissioner under this subdivision for more than 60 days.

12.20 Sec. 3. Minnesota Statutes 2018, section 171.12, subdivision 9, is amended to read:

12.21 Subd. 9. **Driving record disclosure to law enforcement.** Except as restricted under
12.22 subdivision 11, the commissioner shall also furnish driving records, without charge, to
12.23 chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies
12.24 with the power to arrest.

12.25 Sec. 4. Minnesota Statutes 2018, section 171.12, is amended by adding a subdivision to
12.26 read:

12.27 Subd. 11. **Certain data on noncompliant license or identification card; department**
12.28 **and agents.** (a) The commissioner must not share or disseminate outside of the division of
12.29 the department administering driver licensing any data on individuals indicating or otherwise
12.30 having the effect of identifying that the individual applied for, was denied, or was issued a

13.1 noncompliant driver's license or identification card without demonstrating United States
13.2 citizenship or lawful presence in the United States.

13.3 (b) A driver's license agent must not share or disseminate, other than to the division of
13.4 the department administering driver licensing, any data on individuals indicating or otherwise
13.5 having the effect of identifying that the individual applied for, was denied, or was issued a
13.6 noncompliant driver's license or identification card without demonstrating United States
13.7 citizenship or lawful presence in the United States.

13.8 (c) Data under paragraphs (a) and (b) includes but is not limited to information related
13.9 to documents submitted under section 171.06, subdivision 8, 9, or 10.

13.10 (d) Notwithstanding any law to the contrary, this subdivision prohibits the commissioner
13.11 and a driver's license agent from sharing or disseminating the data described in paragraphs
13.12 (a) to (c) with any entity otherwise authorized to obtain data under subdivision 7, any political
13.13 subdivision, any state agency as defined in section 13.02, subdivision 17, or any federal
13.14 entity.

13.15 Sec. 5. Minnesota Statutes 2018, section 171.12, is amended by adding a subdivision to
13.16 read:

13.17 Subd. 12. **Certain data on noncompliant license or identification card; criminal**
13.18 **justice.** (a) A criminal justice agency, as defined in section 13.02, subdivision 3a, must not
13.19 take any action on the basis of a marking under section 171.07, subdivision 1, paragraph
13.20 (g), or 3, paragraph (g).

13.21 (b) Nothing in this subdivision prevents a criminal justice agency from the performance
13.22 of official duties independent of using the data described in paragraph (a).

13.23 **ARTICLE 3**

13.24 **ELECTIONS**

13.25 Section 1. Minnesota Statutes 2018, section 201.061, subdivision 3, is amended to read:

13.26 **Subd. 3. Election day registration.** (a) An individual who is eligible to vote may register
13.27 on election day by appearing in person at the polling place for the precinct in which the
13.28 individual maintains residence, by completing a registration application, making an oath in
13.29 the form prescribed by the secretary of state and providing proof of residence. An individual
13.30 may prove residence for purposes of registering by:

14.1 (1) presenting a driver's license or Minnesota identification card issued pursuant to
14.2 section 171.07 that is not marked as provided in section 171.07, subdivision 1, paragraph
14.3 (g), or 3, paragraph (g);

14.4 (2) presenting any document approved by the secretary of state as proper identification;

14.5 (3) presenting one of the following:

14.6 (i) a current valid student identification card from a postsecondary educational institution
14.7 in Minnesota, if a list of students from that institution has been prepared under section
14.8 135A.17 and certified to the county auditor in the manner provided in rules of the secretary
14.9 of state; or

14.10 (ii) a current student fee statement that contains the student's valid address in the precinct
14.11 together with a picture identification card; or

14.12 (4) having a voter who is registered to vote in the precinct, or an employee employed
14.13 by and working in a residential facility in the precinct and vouching for a resident in the
14.14 facility, sign an oath in the presence of the election judge vouching that the voter or employee
14.15 personally knows that the individual is a resident of the precinct. A voter who has been
14.16 vouched for on election day may not sign a proof of residence oath vouching for any other
14.17 individual on that election day. A voter who is registered to vote in the precinct may sign
14.18 up to eight proof-of-residence oaths on any election day. This limitation does not apply to
14.19 an employee of a residential facility described in this clause. The secretary of state shall
14.20 provide a form for election judges to use in recording the number of individuals for whom
14.21 a voter signs proof-of-residence oaths on election day. The form must include space for the
14.22 maximum number of individuals for whom a voter may sign proof-of-residence oaths. For
14.23 each proof-of-residence oath, the form must include a statement that the individual: (i) is
14.24 registered to vote in the precinct or is an employee of a residential facility in the precinct,
14.25 (ii) personally knows that the voter is a resident of the precinct, and (iii) is making the
14.26 statement on oath. The form must include a space for the voter's printed name, signature,
14.27 telephone number, and address.

14.28 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
14.29 attached to the voter registration application.

14.30 (b) The operator of a residential facility shall prepare a list of the names of its employees
14.31 currently working in the residential facility and the address of the residential facility. The
14.32 operator shall certify the list and provide it to the appropriate county auditor no less than
14.33 20 days before each election for use in election day registration.

15.1 (c) "Residential facility" means transitional housing as defined in section 256E.33,
15.2 subdivision 1; a supervised living facility licensed by the commissioner of health under
15.3 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
15.4 5; a residence registered with the commissioner of health as a housing with services
15.5 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
15.6 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
15.7 licensed by the commissioner of human services to provide a residential program as defined
15.8 in section 245A.02, subdivision 14; a residential facility for persons with a developmental
15.9 disability licensed by the commissioner of human services under section 252.28; setting
15.10 authorized to provide housing support as defined in section 256I.03, subdivision 3; a shelter
15.11 for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly
15.12 or privately operated shelter or dwelling designed to provide temporary living
15.13 accommodations for the homeless.

15.14 (d) For tribal band members, an individual may prove residence for purposes of
15.15 registering by:

15.16 (1) presenting an identification card issued by the tribal government of a tribe recognized
15.17 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the
15.18 name, address, signature, and picture of the individual; or

15.19 (2) presenting an identification card issued by the tribal government of a tribe recognized
15.20 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the
15.21 name, signature, and picture of the individual and also presenting one of the documents
15.22 listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

15.23 (e) A county, school district, or municipality may require that an election judge
15.24 responsible for election day registration initial each completed registration application.

15.25 **Sec. 2. COUNTY NOTIFICATION; ELECTION JUDGE TRAINING.**

15.26 (a) The secretary of state shall inform each county auditor that a driver's license or
15.27 Minnesota identification card must not be used or accepted for voter registration purposes
15.28 under Minnesota Statutes, section 201.061, if it is marked as provided in Minnesota Statutes,
15.29 section 171.07, subdivision 1, paragraph (g), or 3, paragraph (g).

15.30 (b) Each county auditor must inform all election officials and election judges hired for
15.31 an election that driver's licenses and Minnesota identification cards identified under paragraph
15.32 (a) must not be used or accepted for voter registration purposes under Minnesota Statutes,

- 16.1 section 201.061. County auditors and municipal clerks must include this information in all
- 16.2 election judge training courses.
- 16.3 **EFFECTIVE DATE.** This section is effective January 1, 2020.

APPENDIX
Repealed Minnesota Statutes: H1500-3

171.015 DRIVER'S LICENSE DIVISION.

Subd. 7. **Rulemaking limitation.** (a) Notwithstanding any law to the contrary, the commissioner is prohibited from adopting any final rule that amends, conflicts with, or has the effect of modifying requirements in Minnesota Rules, parts 7410.0100 to 7410.0800.

(b) This subdivision does not constitute authorization for the commissioner to adopt rules absent authority otherwise provided by other law.