

SENATE  
STATE OF MINNESOTA  
EIGHTY-EIGHTH SESSION

S.F. No. 2345

(SENATE AUTHORS: NEWMAN)

DATE	D-PG	OFFICIAL STATUS
03/06/2014	5988	Introduction and first reading Referred to Rules and Administration

1.1

A bill for an act

1.2

relating to elections; establishing an electronic voter registration system;

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invalidating existing electronic voter registration system; appropriating money;

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amending Minnesota Statutes 2012, sections 201.054, subdivision 1; 201.071,

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subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 201.

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

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Section 1. Minnesota Statutes 2012, section 201.054, subdivision 1, is amended to read:

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Subdivision 1. **Registration.** An individual may register to vote:

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(1) at any time before the 20th day preceding any election as provided in section

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201.061, subdivision 1, or 201.065;

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(2) on the day of an election as provided in section 201.061, subdivision 3; or

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(3) when submitting an absentee ballot, by enclosing a completed registration

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application as provided in section 203B.04, subdivision 4.

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Sec. 2. [201.065] ELECTRONIC VOTER REGISTRATION.

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Subdivision 1. **System established.** The secretary of state must establish and

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maintain a system for electronic voter registration. The system must permit an individual

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to register to vote and permit a registered voter to change the voter's name or address. The

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electronic voter registration system must require the same information and include the

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certifications provided in section 201.071, subdivision 1, paragraph (a). The secretary of

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state must not allow any individual to access the system to register to vote or to change

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voter information until the requirements of subdivision 7 are satisfied.

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Subd. 2. **Registration application.** (a) At any time except during the 20 days

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immediately preceding any regularly scheduled election, an eligible voter who meets

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the requirements in paragraph (b) may register to vote in the precinct in which the

voter maintains residence by completing and submitting an electronic voter registration application.

(b) An electronic voter registration application completed pursuant to this subdivision must require an applicant to:

(1) provide the information required under section 201.071, subdivision 1, paragraph (a);

(2) attest to the truth of the information provided in the application;

(3) have an electronic signature on file with the Department of Public Safety, Division of Driver and Vehicle Services;

(4) sign the application in a manner consistent with the Uniform Electronic Transactions Act, as provided in chapter 325L; and

(5) affirmatively authorize the secretary of state to use the applicant's signature obtained by the Department of Public Safety, Division of Driver and Vehicle Services, for voter registration purposes.

(c) The electronic voter registration application must be designed so that the applicant must indicate that the applicant does or does not meet the requirements of the certification of voter eligibility described in section 201.071, subdivision 1, paragraph (b). If the applicant indicates that the applicant does not meet the eligibility standards, the application must be rejected and the applicant notified in the manner described in subdivision 5. The electronic voter registration application must be designed so that the applicant must answer both of the questions in section 201.071, subdivision 1, paragraph (c). If the applicant answers "no" to either question, the application must be rejected and the applicant notified in the manner described in subdivision 5.

Subd. 3. **Driver and vehicle services data.** The director of driver and vehicle services and the secretary of state shall develop a process and the infrastructure to allow the electronic copy of the applicant's signature maintained by driver and vehicle services to be transferred to the secretary of state to be used for voter registration purposes.

Subd. 4. **Electronic signatures.** (a) An individual may use an electronic signature in a manner consistent with chapter 325L in submitting the electronic voter registration application.

(b) For each electronic application, the secretary of state shall obtain an electronic copy of the applicant's signature from the applicant's driver's license or state identification card. The electronic signature must be associated with the voter's application in the system.

Subd. 5. **Acceptance or rejection of application.** (a) Upon submission of an electronic voter registration application pursuant to this section, the electronic voter

registration system must verify the following information prior to the secretary of state accepting the application:

(1) that the applicant has a Minnesota driver's license or state identification card and that the driver's license or identification card number provided by the applicant matches the number of the applicant's driver's license or identification card that is in the statewide voter registration system;

(2) that the applicant has provided the last four digits of the applicant's Social Security number and that the last four digits of the Social Security number provided by the applicant match the numbers for the applicant's record that is in the statewide voter registration system; and

(3) that the applicant has provided the applicant's date of birth and that the date of birth provided by the applicant matches the date of birth for that person that is in the statewide voter registration system.

(b) The secretary of state must not accept an application if:

(1) any of the required information provided by the applicant does not match the information in the statewide voter registration system;

(2) any of the required information is not provided;

(3) the Department of Public Safety, Division of Driver and Vehicle Services does not have a signature on file for the applicant; or

(4) the voter is already registered to vote at the same address.

(c) If an application is not accepted, the secretary of state must immediately notify the applicant that the registration was not accepted and state the reason the application was rejected. If all required information is provided and matches with the information in the statewide voter registration system, and the Department of Public Safety, Division of Driver and Vehicle Services has a signature on file for the applicant, the secretary of state must accept the application. If the application is accepted, the secretary of state must immediately notify the applicant that the application was accepted. The required notices in this paragraph must be sent to the e-mail address provided by the applicant.

**Subd. 6. Security.** (a) The electronic registration system must be fully secure. The Web site shall maintain the confidentiality of all users and preserve the integrity of the data submitted. The secretary of state shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section. All data sent and received through the system must be encrypted.

(b) Before the electronic voter registration system is accessible to the public, the secretary of state must test the system. Once the system is accessible to the public, the secretary of state must provide ongoing testing and monitoring to ensure continued

4.1 security. The secretary of state must work with the chief information officer or another  
4.2 security expert to annually audit the security of the system.

4.3 (c) In developing the electronic voter registration system, the secretary of state must  
4.4 consult with the chief information officer or the chief's designee to ensure the site is secure.

4.5 Subd. 7. **Report to legislature.** (a) By December 15, 2014, the secretary of state  
4.6 must submit a report to the chairs and ranking minority members of the committees in  
4.7 the senate and house of representatives with primary jurisdiction over elections that  
4.8 addresses the following issues:

4.9 (1) a description of all costs incurred in developing the system and anticipated costs  
4.10 to maintain the system;

4.11 (2) anticipated cost savings, if any;

4.12 (3) an explanation of all security measures of the system;

4.13 (4) an explanation of how all data is to be maintained, transferred, and protected;

4.14 (5) an explanation of all testing conducted regarding security and data transfers  
4.15 and the results of the tests;

4.16 (6) an explanation of how all constitutional and statutory requirements of election  
4.17 law are met by the system; and

4.18 (7) any other information regarding the system that the secretary of state believes  
4.19 would be helpful to the legislature.

4.20 (b) If the report is submitted on or before December 15, 2014, the secretary of state  
4.21 must not allow any individual to access the system to register to vote or to change voter  
4.22 information until June 1, 2015. If the report is submitted after December 15, 2014, the  
4.23 secretary of state must not allow any individual to access the system to register to vote or  
4.24 to change voter information until June 1, 2016.

4.25 Subd. 8. **Electronic registrations prior to effective date.** (a) An electronic voter  
4.26 registration system operated by the secretary of state prior to the effective date of this act  
4.27 must no longer be operated and individuals must not be allowed to access the system to  
4.28 register to vote or update voter information.

4.29 (b) An accepted voter registration application submitted electronically through  
4.30 the secretary of state's Web site prior to the effective date of this act is deemed invalid.  
4.31 Within 30 days of the effective date of this act, the secretary of state must prepare a list  
4.32 of all individuals that registered electronically prior to the effective date of this act and  
4.33 must challenge all of the individuals on the list in the statewide voter registration system.  
4.34 The secretary of state must also, in the same 30-day period, notify all affected voters that  
4.35 their registration is invalid. The notice must be sent by first class mail and to the e-mail  
4.36 address provided by the applicant when submitting the voter registration application. The

5.1 notice must clearly state that the individual is not registered to vote and must re-register  
5.2 prior to voting in the next election. The notice must also provide instructions on how  
5.3 to register to vote.

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

5.5 Subdivision 1. **Form.** ~~A~~ (a) Both paper and electronic voter registration applications  
5.6 must contain the same information unless otherwise provided by law. All voter registration  
5.7 application must be of suitable size and weight for mailing and contain spaces for the  
5.8 following required information: voter's first name, middle name, and last name; voter's  
5.9 previous name, if any; voter's current address; voter's previous address, if any; voter's  
5.10 date of birth; voter's municipality and county of residence; voter's telephone number, if  
5.11 provided by the voter; date of registration; current and valid Minnesota driver's license  
5.12 number or Minnesota state identification number, or if the voter has no current and valid  
5.13 Minnesota driver's license or Minnesota state identification, the last four digits of the  
5.14 voter's Social Security number; and voter's signature. An electronic voter registration  
5.15 submitted under section 201.065 must include: (1) a current and valid Minnesota driver's  
5.16 license number or Minnesota state identification number; and (2) the last four digits of the  
5.17 voter's Social Security number. The paper registration application may include the voter's  
5.18 e-mail address, if provided by the voter, and. The electronic voter registration application  
5.19 must include the voter's e-mail address. A voter registration application may include the  
5.20 voter's interest in serving as an election judge, if indicated by the voter.

5.21 (b) The application must also contain the following certification of voter eligibility:

5.22 "I certify that I:

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

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

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

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

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

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

5.30 (7) have the right to vote because, if I have been convicted of a felony, my felony  
5.31 sentence has expired (been completed) or I have been discharged from my sentence; and

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

6.1           (c) The certification must include boxes for the voter to respond to the following  
6.2 questions:

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

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

6.5           And the instruction:

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

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

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

6.15           Sec. 4. **APPROPRIATION.**

6.16           \$..... is appropriated from the general fund to the secretary of state in fiscal year  
6.17 2015 to implement the requirements of this act. This is a onetime appropriation.

6.18           Sec. 5. **EFFECTIVE DATE.**

6.19           Sections 1 to 4 are effective the day following final enactment.