

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 107

(SENATE AUTHORS: CHAMPION)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|--|
| 01/24/2013 | 92 | Introduction and first reading Referred to Judiciary |
| 03/17/2014 | | Comm report: To pass as amended and re-refer to Rules and Administration |

A bill for an act

1.1 relating to elections; voting; restoring the civil rights of an individual upon
 1.2 release from incarceration; requiring notice; amending Minnesota Statutes 2012,
 1.3 sections 201.014, by adding a subdivision; 201.071, subdivision 1; 201.155;
 1.4 204C.08, subdivision 1d; 204C.10; 609.165, subdivision 1; proposing coding for
 1.5 new law in Minnesota Statutes, chapters 201; 243.
 1.6

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

1.8 Section 1. Minnesota Statutes 2012, section 201.014, is amended by adding a
 1.9 subdivision to read:

1.10 Subd. 2a. **Felony conviction; restoration of civil rights.** (a) For purposes of
 1.11 this section, an individual convicted of a felony is restored to civil rights as soon as the
 1.12 individual completes any incarceration imposed and executed by the court for the offense.
 1.13 If the individual is later incarcerated for the same offense, the individual's civil rights are
 1.14 lost only during the period of incarceration.

1.15 (b) If an individual was convicted of a felony crime but was not incarcerated for the
 1.16 felony conviction, the individual's civil rights are not removed.

1.17 Sec. 2. Minnesota Statutes 2012, section 201.071, subdivision 1, is amended to read:

1.18 Subdivision 1. **Form.** A voter registration application must be of suitable size and
 1.19 weight for mailing and contain spaces for the following required information: voter's first
 1.20 name, middle name, and last name; voter's previous name, if any; voter's current address;
 1.21 voter's previous address, if any; voter's date of birth; voter's municipality and county
 1.22 of residence; voter's telephone number, if provided by the voter; date of registration;
 1.23 current and valid Minnesota driver's license number or Minnesota state identification
 1.24 number, or if the voter has no current and valid Minnesota driver's license or Minnesota

2.1 state identification, the last four digits of the voter's Social Security number; and voter's
 2.2 signature. The registration application may include the voter's e-mail address, if provided
 2.3 by the voter, and the voter's interest in serving as an election judge, if indicated by the
 2.4 voter. The application must also contain the following certification of voter eligibility:

2.5 "I certify that I:

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

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

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

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

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

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

2.13 (7) have the right to vote because, ~~if~~ although I have been convicted of a felony, ~~my~~
 2.14 ~~felony sentence has expired (been completed) or I have been discharged from my sentence~~
 2.15 I am not currently incarcerated for that offense; and

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

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

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

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

2.23 And the instruction:

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

2.25 The form of the voter registration application and the certification of voter eligibility
 2.26 must be as provided in this subdivision and approved by the secretary of state. Voter
 2.27 registration forms authorized by the National Voter Registration Act must also be accepted
 2.28 as valid. The federal postcard application form must also be accepted as valid if it is not
 2.29 deficient and the voter is eligible to register in Minnesota.

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

2.32 Sec. 3. Minnesota Statutes 2012, section 201.155, is amended to read:

2.33 **201.155 REPORT ON FELONY CONVICTIONS.**

2.34 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state
 2.35 court administrator shall report regularly by electronic means to the secretary of state

3.1 the name, address, date of birth, and, if available, driver's license or state identification
 3.2 card number, date of sentence, effective date of the sentence, and county in which the
 3.3 conviction occurred of each person who has been convicted of a felony and sentenced to a
 3.4 period of incarceration. The state court administrator shall also report the name, address,
 3.5 and date of birth of each person previously convicted of a felony whose civil rights have
 3.6 been restored. The secretary of state shall determine if any of the persons in the report is
 3.7 registered to vote and shall prepare a list of those registrants for each county auditor. The
 3.8 county auditor shall change the status of those registrants in the appropriate manner in
 3.9 the statewide registration system.

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

3.12 The secretary of state shall develop accurate and complete information in a single
 3.13 publication about the voting rights of people who have been charged with or convicted
 3.14 of a crime. This publication must be made available electronically to the state court
 3.15 administrator for distribution to judges, court personnel, probation officers, and the
 3.16 Department of Corrections for distribution to corrections officials, parole and supervised
 3.17 release agents, and the public.

3.18 Sec. 5. Minnesota Statutes 2012, section 204C.08, subdivision 1d, is amended to read:

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

3.24 "VOTER'S BILL OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.21 Sec. 6. Minnesota Statutes 2012, section 204C.10, is amended to read:

4.22 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
4.23 **REGISTRATION.**

4.24 (a) An individual seeking to vote shall sign a polling place roster which states
4.25 that the individual is at least 18 years of age, a citizen of the United States, has resided
4.26 in Minnesota for 20 days immediately preceding the election, maintains residence at
4.27 the address shown, is not under a guardianship in which the court order revokes the
4.28 individual's right to vote, has not been found by a court of law to be legally incompetent to
4.29 vote or has the right to vote because, if the individual was convicted of a felony, ~~the felony~~
4.30 ~~sentence has expired or been completed or the individual has been discharged from the~~
4.31 sentence completed the term of incarceration, if any, for the felony offense, is registered,
4.32 and has not already voted in the election. The roster must also state: "I understand that
4.33 deliberately providing false information is a felony punishable by not more than five years
4.34 imprisonment and a fine of not more than \$10,000, or both."

5.1 (b) A judge may, before the applicant signs the roster, confirm the applicant's name,
5.2 address, and date of birth.

5.3 (c) After the applicant signs the roster, the judge shall give the applicant a voter's
5.4 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
5.5 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
5.6 voters' receipts must be maintained during the time for notice of filing an election contest.

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

5.8 **Subdivision 1. Correctional facilities; designation of official.** The chief executive
5.9 officer of each state and local correctional facility shall designate an official within the
5.10 facility to provide the notice and application required under this section to inmates who
5.11 have been restored to civil rights. The official shall maintain an adequate supply of voter
5.12 registration applications and informational materials for this purpose.

5.13 **Subd. 2. Notice requirement.** A notice of restoration of civil rights and a voter
5.14 registration application must be provided as follows:

5.15 (1) the chief executive officer of each state and local correctional facility shall
5.16 provide the notice and application to an inmate being released from the facility following
5.17 incarceration for a felony-level offense; and

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

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

5.22 **"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING**
5.23 **YOUR RIGHT TO VOTE.**

5.24 Your receipt of this notice today means that your civil rights have been restored.
5.25 This includes a restoration of your right to vote in Minnesota. Before you can vote on
5.26 election day, you still need to register to vote. To register, you may complete a voter
5.27 registration application and return it to the Office of the Minnesota Secretary of State. You
5.28 may also register to vote in your polling place on election day. You will not be permitted
5.29 to cast a ballot until you register to vote. The first time you appear at your polling place to
5.30 cast a ballot, you may be required to provide proof of your current residence."

5.31 **Subd. 4. Failure to provide notice.** A failure to provide proper notice as required
5.32 by this section does not prevent the restoration of the person's civil rights.

5.33 Sec. 8. Minnesota Statutes 2012, section 609.165, subdivision 1, is amended to read:

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

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