

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 489

(SENATE AUTHORS: REST and Carlson)

DATE	D-PG	OFFICIAL STATUS
02/01/2021	210	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
02/04/2021	259	Author added Carlson

1.1 A bill for an act

1.2 relating to elections; regulating access to certain lists of voter data related to the

1.3 presidential nomination primary; allowing voters to request that their data be

1.4 excluded from the lists; amending Minnesota Statutes 2020, section 201.091,

1.5 subdivision 4a.

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

1.7 Section 1. Minnesota Statutes 2020, section 201.091, subdivision 4a, is amended to read:

1.8 Subd. 4a. **Presidential primary political party list.** (a) Except as provided in paragraph

1.9 (c), the secretary of state must maintain a list of the voters who voted in a presidential

1.10 nomination primary and the political party each voter selected, sorted by party choice.

1.11 Information maintained on the list is private data on individuals as defined under section

1.12 13.02, subdivision 12, except that the secretary of state must provide ~~the list~~ the portion of

1.13 the list that identifies the voters that cast ballots for a party to ~~the chair~~ a single representative

1.14 of each ~~that~~ major political party. party's national committee, as designated by the chair of

1.15 the party's national committee. In order to receive the presidential nomination primary voter

1.16 list under this paragraph, the chair of a major political party must submit a written request

1.17 and acknowledgment of the requirements, remedies, and penalties provided in paragraph

1.18 (b). Within ten days after a list is received by a party's representative, the secretary of state

1.19 must destroy any data identifying a voter's party choice maintained within the statewide

1.20 voter registration system that was used to compile the list. The secretary must request that

1.21 the party's representative provide a written confirmation of receipt for this purpose.

1.22 (b) A major political party representative, as designated under paragraph (a), may only

1.23 use the data contained on a list provided under this subdivision to verify compliance with

1.24 applicable national party rules governing the nomination of a candidate for president of the

2.1 United States. The list must not be distributed to any other person or used for any other
2.2 purpose. A person who violates this paragraph is subject to the remedies and penalties
2.3 provided in sections 13.08 and 13.09 in the same manner as would apply to a responsible
2.4 authority, and a major political party is subject to the remedies and penalties in the same
2.5 manner as would apply to a government entity under those sections, except that a major
2.6 political party is liable for exemplary damages under section 13.08, subdivision 1, regardless
2.7 of whether its violation of this paragraph was willful. The secretary of state must not provide
2.8 a list under this subdivision to a representative of a national committee who has not submitted
2.9 the request and written acknowledgment required by paragraph (a).

2.10 (c) Upon receipt of a statement signed by a voter that the voter wishes to be removed
2.11 from any list provided to the representative of a political party under paragraph (a), the
2.12 secretary of state and county auditor must remove all data on that voter from the list. The
2.13 secretary of state must provide a form that may be used by voters for this purpose on the
2.14 secretary's website. Statements received by the secretary of state or county auditor under
2.15 this paragraph are private data on individuals, as defined in section 13.02, subdivision 12.

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