

## CHAPTER 201

## REGISTRATION AND ELIGIBILITY OF VOTERS

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**201.016 RESIDENCE REQUIREMENTS FOR VOTING; PENALTY.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. Duration of residence.** The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election. The school board of any school district by resolution may require an eligible voter to maintain residence in that school district for a period of 30 days prior to voting in a school district election.

**History:** 1987 c 266 art 1 s 4

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 4, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

**201.018 REGISTRATION FOR VOTING.**

**Subd. 2. Registration required.** An eligible voter must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, school district, or special election held in the county.

**History:** 1987 c 266 art 1 s 5

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 5, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

**201.021 PERMANENT REGISTRATION SYSTEM.**

A permanent system of voter registration by county is established, with the county systems linked together by a centralized statewide system. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for maintaining the centralized system.

**History:** 1987 c 361 s 2

**201.022 COMPUTERIZED CENTRAL REGISTRATION SYSTEM.**

**Subdivision 1. Establishment.** The secretary of state shall develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central data base containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state.

**Subd. 2. Rules.** The secretary of state shall make permanent and emergency rules necessary to administer the system required in subdivision 1. The rules must at least:

(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the department of public safety;

- (2) provide for the establishment and maintenance of a central data base for all voter registration information;
- (3) provide procedures for entering data into a central data base;
- (4) provide for interaction with the computerized driver's license records of the department of public safety;
- (5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;
- (6) allow the offices of all county auditors and the secretary of state's office to have access to the central data base for review and search capabilities;
- (7) provide security and protection of all information in the central data base and monitor the central data base to ensure unauthorized entry is not allowed;
- (8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;
- (9) prescribe a procedure for phasing in or converting existing computerized records to the statewide voter registration data base; and
- (10) prescribe a procedure for the return of completed voter registration forms from the department of public safety to the secretary of state or the county auditor.

**History:** 1987 c 361 s 1

#### **201.054 METHODS OF REGISTERING; PENALTY.**

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

- (1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1, in counties where preregistration is allowed;
- (2) on the day of an election as provided in section 201.061, subdivision 3;
- (3) when submitting an absentee ballot, by enclosing a completed registration card as provided in section 203B.04, subdivision 4;
- (4) by submitting a registration card received in a state income tax form or booklet to the secretary of state's office; or
- (5) by filling out the voter registration part of a driver's license application.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 361 s 3

#### **201.061 REGISTRATION ON OR BEFORE ELECTION DAY.**

**Subdivision 1. Prior to election day.** At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county, by completing the voter registration part of a driver's license application, or by submitting in person or by mail a registration card received in a state income tax form or booklet or elsewhere to the secretary of state's office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence.

*[For text of subd 2, see M.S.1986]*

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

- (1) showing a drivers license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any document approved by the secretary of state as proper identification;  
or

(3) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

*[For text of subds 4 and 5, see M.S.1986]*

**Subd. 6. Precinct map.** Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal or school district clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

*[For text of subd 7, see M.S.1986]*

**History:** 1987 c 266 art 1 s 6,7; 1987 c 361 s 4

**NOTE:** Subdivisions 3 and 6, as amended by Laws 1987, chapter 266, article 1, sections 6 and 7 respectively, are effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 201.071 REGISTRATION CARDS.

*[For text of subds 1 and 2, see M.S.1986]*

**Subd. 3. Deficient registration.** No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or may request the name or number of the voter's school district. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with sections 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the card deficient.

**Subd. 4. Change of registration.** Any county auditor who receives a registration card indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form as provided in this subdivision shall delete that individual's name from the registration lists, remove the duplicate voter registration card, if any, and the original voter registration cards from the files, and change the registration information in the data base of the central registration system. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card or file from the precinct of prior residence to determine whether the individual voted in that precinct in the most recent election.

*[For text of subds 5 and 6, see M.S.1986]*

**Subd. 8. School district assistance.** School districts shall assist county auditors in determining the school district in which a voter resides.

**History:** 1987 c 175 s 1; 1987 c 266 art 1 s 8,9; 1987 c 361 s 5

**NOTE:** Subdivisions 3 and 8, as amended by Laws 1987, chapter 266, article 1, sections 8 and 9 respectively, are effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

### **201.081 REGISTRATION FILES.**

The original registration file and the duplicate registration file shall be the record of registered voters. The original and duplicate registration files and the terminal providing access to the central registration system shall be kept in the office of the county auditor or in the office of a public official to whom the county auditor has delegated the responsibility of keeping either file. The files shall not be removed except that the duplicate file shall be delivered as provided in section 201.221, subdivision 3, to the duly authorized election judges for use on election day.

**History:** 1987 c 361 s 6

### **201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES.**

*[For text of subds 1 to 3, see M.S.1986]*

**Subd. 4. Public access to registration files.** The duplicate registration file shall be open to public inspection. The public official having custody of the voter registration files may adopt reasonable rules governing access to the files. No individual inspecting the duplicate registration file shall tamper with the cards or their arrangement. No individual who inspects a duplicate registration file or who acquires a list of registered voters prepared from the file may use any information contained in the file or list for purposes unrelated to elections, political activities, or law enforcement.

Before inspecting voter registration files or obtaining a list of voters or other information from the files, the individual shall provide identification to the public official having custody of the registration files.

*[For text of subds 5 and 8, see M.S.1986]*

**History:** 1987 c 175 s 2

### **201.121 ENTRY OF NAMES; MAILED NOTICE.**

**Subdivision 1. Entry of registration information.** Upon receiving a registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the appropriate registration files and in the central registration system the registration card or the information contained on it.

Upon receiving a completed registration card or form, the secretary of state may electronically transmit the information on the card or form to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the central registration system. The secretary of state shall mail the registration card or form to the county auditor for placement in the appropriate files.

*[For text of subds 2 and 3, see M.S.1986]*

**History:** 1987 c 361 s 7

### **201.13 LOCAL REGISTRAR OF VITAL STATISTICS, REPORT DEATHS TO COUNTY AUDITOR.**

The local registrar of vital statistics in each county or municipality shall report monthly to the county auditor the name and address of each individual 18 years of age or older who has died while maintaining residence in that county or municipality since the last previous report. Upon receipt of the report, the county auditor shall remove from the files the original and duplicate registration cards of the voters reported to be deceased and make the appropriate changes in the data base of the central registration system.

**History:** 1987 c 361 s 8

**201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.**

Subdivision 1. **Guardianships, incompetents and psychopaths.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual 18 years of age or over, who maintains residence in that county and who, during the month preceding the date of the report:

- (a) was placed under a guardianship of the person;
- (b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a psychopathic personality.

The judge shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall determine whether any individual named in the report is registered to vote. The county auditor shall attach a notice to the original and duplicate registration cards of any individual named in the report informing the election judges that the individual is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor. The cards may be retained in the registration file for the entire period of the voter's ineligibility and need not be purged in accordance with section 201.171. The county auditor shall also make the appropriate changes in the data base of the central registration system.

Subd. 2. **Restoration to capacity.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. Upon notice from the judge of probate of a restoration to capacity, or of a transfer from guardianship to conservatorship, the county auditor shall remove the notice from the individual's registration cards and thereafter process the cards in the same manner as if no guardianship or adjudication had occurred. The county auditor shall also make the appropriate changes in the data base of the central registration system.

**History:** 1987 c 361 s 9

**201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.**

The department of public safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

**History:** 1987 c 361 s 10

**201.162 DUTIES OF STATE AGENCIES.**

The commissioner or chief administrative officer of each state agency or community-based public agency or nonprofit corporation that contracts with the state agency to carry out obligations of the state agency shall provide voter registration services for employees and the public. A person may complete a voter registration application or apply to change a voter registration name or address if the person has the proper qualifications on the date of application. Nonpartisan voter registration assistance, including routinely asking members of the public served by the agency whether they would like to register to vote and, if necessary, assisting them in preparing the registration forms must be part of the job of appropriate agency employees.

**History:** 1987 c 361 s 11

**201.171 FAILURE TO VOTE; REGISTRATION REMOVED.**

After the close of each calendar year, the county auditor shall remove the original and duplicate registration cards of any voter who has not voted during the four preceding calendar years in any election, including but not limited to a school district election where the permanent voter registration system is used. Although not counted in an election, a late absentee ballot shall be considered a vote for the purpose of continuing registration. The county auditor shall also make the appropriate changes in the data base of the central registration system.

**History:** 1987 c 361 s 12

**201.221 RULES.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. Uniform procedures for counties.** The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for counties maintaining voter registration records on data processing systems so that the systems are compatible with a uniform system of electronic data maintenance and the central computerized voter registration system. The secretary of state shall supervise the development and use of the system to insure that it conforms to applicable laws and rules.

**Subd. 3. Procedures for duplicate registration file.** The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card contains spaces for the voter's name, address, telephone number, school district number, and signature, and space to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day.

The secretary of state shall prescribe an alternate form of the duplicate registration file for counties and cities which make the election authorized by section 201.071, subdivision 5. The alternate form shall not require a duplicate card or voter's signature. Information contained in the duplicate registration file shall include the voter's name, address, month and day of birth, last registration (if any), school district number, and a record of the vote history for the previous four years of elections. The secretary of state shall prescribe the form for the duplicate registration file to be used on election day in the polling place and the file shall include the name, address, month and day of birth, school district number, and a space for the voters to sign the file when they vote. The secretary of state shall prescribe the form for a county or municipality to request the day and month of birth from currently registered voters. The county or municipality shall not request the day and month of birth from currently registered voters by any communication other than the prescribed form and the form shall clearly indicate that a currently registered voter does not lose registration status by failing to provide the day and month of birth. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the judges on election day. In accordance with section 204B.40, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.

**Subd. 4. County rules.** The county auditor of each county may adopt rules which delegate to municipal officials in that county the duties assigned to county auditors by this chapter. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. When a municipal official is delegated duties given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay.

**History:** 1987 c 266 art 1 s 10; 1987 c 361 s 13,14

**NOTE:** Subdivision 3, as amended by Laws 1987, chapter 266, article 1, section 10, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

**201.27 VIOLATIONS, PENALTY.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. Knowledge of violation.** A deputy, clerk, employee, or other subordinate of a county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county auditor or municipal or school district clerk, together with any possessed evidence of the violation. Any county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county attorney of the county where the violation is thought to have occurred, together with any possessed evidence of the violation. The county auditor or municipal or school district clerk shall also immediately send a copy of the report to the secretary of state. A violation of this subdivision is a misdemeanor.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 266 art 1 s 11

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 11, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.