

HOUSE RESEARCH

Bill Summary

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Authors: Boudreau and others

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Analyst: Deborah K. McKnight, (651-296-5056)

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Overview

The bill makes changes in the Minnesota election law in response to enactment of the federal Help America Vote Act (HAVA), P.L. 107-252.

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1 Voting integrity and voter access account.

Subd. 1. Establishment. Creates a voting integrity and voter access account in the state treasury. Requires federal funds received under P.L. 107-252 to be deposited in the account. Requires crediting to this account: state funds appropriated to satisfy the five percent match requirement that applies to some of the federal funds.

Subd. . 2. Appropriation. Appropriates to the secretary of state money in the account to be used for election administration purposes that are consistent with P.L. 107-252 and the state plan certified by the governor pursuant to that act. Allows federal money to carry over from one fiscal year to another.

Subd. 3. Account purposes. Requires money in the account to be used in a manner consistent with the maintenance of effort requirements of P.L. 107-252.

2 Help America Vote Act Complaints.

Subd. 1. Procedure. Requires the secretary of state (secretary) to create a procedure to review complaints about administration of portions of the federal Help America Vote Act (HAVA), including complaints about voting system standards, computerized statewide voter registration records and equipment, voter registration and other

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provisions. Requires the secretary to provide a complaint form that includes the signature of the complainant, an affidavit and notarization, and attachment of supporting documents.

Subd. 2. Political subdivisions. States that the procedure applies to complaints about local officials. Requires the secretary to give the local official a copy of the complaint within three business days after getting it. Gives the local official 20 days to reach agreement with the complainant or file a written response with the secretary. Requires the secretary to provide a hearing. The local official must be notified and given an opportunity to participate. Requires the secretary to issue a final determination and, if necessary, a remedial plan within 90 days. If the secretary misses this deadline, alternative dispute resolution must be provided and completed within 60 days after it starts.

Subd. 3. Secretary of state. For a complaint against the secretary, the matter must be referred to the office of administrative hearings (OAH) within three business days of receipt. Gives the secretary 20 days to reach agreement or file a written response with the OAH. Requires OAH to give the complainant a copy of the response and a hearing. Lets the secretary participate in the hearing. Requires OAH to issue a final determination and remedial plan, if necessary, no later than 90 days after getting the complaint. Requires referral to alternative dispute resolution if OAH fails to meet this deadline. Requires completing alternative dispute resolution within 60 days. Prohibits OAH from charging any party a fee under this provision.

Subd. 4. Chapter 14. Proceedings under this section would be exempt from chapter 14.

Subd. 5. Appeal. Lets any party in a subdivision 2 dispute appeal to the district court.

Subd. 6. Review. Makes an OAH determination under subdivision 3 subject to appellate review.

- 3 Permanent registration system.** Amends the current system, which is described as linked county systems. Changes this to "a single centralized, statewide voter registrations list." Requires assigning a unique identifier to each legally registered voter.
- 4 Establishment.** Relocates from rules to statute existing language on 11 factors the statewide registration system must satisfy. Adds accepting the driver license/state identification number and last four digits of the social security number for each voter, assigning a unique identifier to each registered voter, and coordinating with other state agency data bases. Requires the secretary to remove ineligible voters from the system.
- Effective date: January 1, 2006, if a federal waiver is requested and approved; otherwise January 1, 2004.
- 5 Registration in person before election day.** Stricken language on registering to vote by mail is moved to a new subdivision (section 7).
- 6 Registration by mail.** Requires an individual who has not previously voted in Minnesota for federal office to provide a copy of a current and valid photo identification or current utility bill, bank statement, government check, paycheck, or government document that shows the voter's name and address. If a voter does not comply with these requirements, the county auditor (auditor) must notify the voter to (1) submit one of the above items; (2) bring one of

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the items to the polling place and register on election day; or (3) register in person. An individual who wants to vote by mail must submit one of the items above or must follow the election day registration procedures for absentee voters provided in current law.

7 **Duty to forward.** See section 5.

8 **Election day registration.** Amends the law on what can be used as proof of residence for election day registration. Requires a form of picture identification.

9 **Form.** Requires the voter registration form to contain space for (1) a driver license or state identification number, or (2) if the voter does not have one of these, the last four digits of the social security number.

10 **Deficient registration.** Amends the statute on information required to prevent a voter registration from being deficient. Adds driver license or state identification number, or if the voter does not have one of these, the last four digits of the social security number. Does not require this information on registrations accepted before January 1, 2004. Lets election officials try to get this information for "grandfathered" voters any time except at the polls.

11 **Deficient identification or residence information.** Adds a new subdivision stating that a voter registration for someone who has not previously voted in Minnesota for federal office is deficient until it has the identification information required by section 6.

12 **Existing cards.** Allows use of existing registration cards printed before August 1, 2003, and not having space for the digits from the voter's social security number until used up. Requires cards printed after July 31, 2003, to include space for the digits from the voter's social security number.

13 **Rules.** Requires the secretary of state to adopt rules on the registration card changes.

14 **Master list.** Specifies that a list of registered voters provided to law enforcement or for purposes of jury selection must not include the last four digits of a voter's social security number.

15 **Polling place rosters.** Prohibits including the last four digits of a voter's social security number in a polling place roster.

16 **Public information lists.** Requires the secretary to withhold from the public information list (generated from voter registration lists): the name of an individual placed under court-ordered protection.

17 **Copy of list to registered voter.** Allows the secretary to provide the public information lists in electronic or other media.

18 **Entry of registration information.** Requires the auditor to enter voter registration information in the statewide registration system on an expedited basis, but not later than 42 days after receipt.

19 **Commissioner of health, reports of deceased residents.** Current law requires the health department to report monthly to the secretary the deaths of adult residents of the state. The amendment adds "pursuant to HAVA" and requires electronic reporting.

20 **District judge, report guardianships and commitments.** Amends current reporting requirements affecting voter registration records. Adds "pursuant to HAVA" and requires electronic reporting.

21 **Report on felony convictions.** Amends current reporting requirements affecting voter registration records. Adds "pursuant to HAVA" and requires electronic reporting.

22 **Driver's license and identification card applications.** Amends the law on providing voter registration applications to driver license applicants. Eliminates sending completed registrations to the auditor. Information will go to the secretary for the statewide registration system.

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- 23 Information sharing; use of social security number; felony.** Requires the secretary to enter an agreement with the department of public safety to match information and verify the accuracy of voter registration applications. Requires the commissioner of public safety to enter an agreement with the Social Security Administration to use the last four digits of the social security number to verify voter registration and to assure confidentiality of information. Makes it a felony to disclose social security information without the written authorization of the social security commissioner.
- 24 Posting voting history, failure to vote, registration removed.** Modifies the current law on removing a voter from the registration list for failure to votes for four years. The standard would be failure to vote in two consecutive federal elections. (Current standard is failure to vote for four years.) Eliminates using a late absentee ballot to retain active registration status.
- Specifies how the secretary must maintain the statewide voter registration list. Duplicate entries for one person must be removed. Only ineligible voters or persons who are not registered must be removed.
- 25 Uniform procedures for counties.** Amends the statute on uniform voter registration procedures. Adds that the registration system must conform to applicable federal laws and rules.
- 26 Procedure for polling place rosters.** Adds to the content of polling place rosters: any other information the secretary prescribes as necessary to permit election judges to perform duties required by law.
- 27 Registration check.** Amends the absentee ballot application law. Provides that if an applicant's voter registration is deficient, the election official will include with the absentee ballots, materials for completing registration. Requires the secretary to publish sample instructions and materials to allow compliance.
- 28 Procedures on receipt of ballots.** Requires the auditor or municipal clerk to deliver to election judges on election day all ballots received as of the last U.S. mail delivery that day.
- 29 Examination of return envelopes.** Amends the statute on criteria for accepting absentee ballots. Adds that in the case of a deficient registration, the ballots will be accepted if the voter has included a copy of a current and valid photo identification or current utility bill, bank statement, government check, paycheck, or government document that shows the voter's name and address.
- 30 Designation of office.** Specifies that the secretary is responsible for information about voter registration and absentee ballot procedures for military and overseas voters.
- 31 Application for ballot.** Makes an absentee ballot application by a military or overseas voter valid for all primaries, general elections, and special primaries and elections held during the same time period as the next two general elections for federal offices. Currently such a ballot application is valid throughout the calendar year in which it is received.
- Requires these voters to use the oath specified in federal law.
- 32 Recording applications.** Requires the auditor to enter a military or overseas voter's ballot application in the statewide registration system. Requires the auditor to keep a record for six years rather than the current four years. Requires notifying persons whose applications are rejected (1) that the application was rejected, and (2) why.

By 60 days after the general election, the auditors must notify the secretary of the total absentee ballots sent to military and overseas voters and the combined number of ballots

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returned and cast by these voters. Lets the secretary require reporting by (1) category of voter (military, spouse, temporarily abroad, permanently abroad), or (2) precinct. By 90 days after the general election, requires the secretary to report to the federal election assistance commission the number of absentee ballots transmitted to military and overseas voters.

33 Voting more than once. Requires election judges to record whether an absentee ballot was accepted for each applicant whose name is recorded. Requires election judges to return this record to the municipal clerk or county auditor with the election materials.

34 Separate record. Requires the content of the record of absentee ballots kept in each precinct to be as prescribed by the secretary.

35 Alternative election procedures. Amends a statute that authorizes alternate election procedures if necessary because of a court order. Authorizes procedures for voting and handling ballots cast after 8:00 PM because of a court or other order extending the time for closing the polls.

36 Permanent registration; verification. Amends the polling place roster law. Requires a previously registered voter to show identification to an election judge before signing the roster. A voter who does not have the required kind of identification may vote after signing an affidavit that she or he does not have identification but is the person who is on the roster.

37 Rules; vote counting standards. Requires the secretary to adopt permanent rules on uniform and nondiscriminatory standards of what constitutes a vote for each method of voting and each type of voting system.

38 Voting system for disabled voters. Provides that after December 31, 2005, each polling place must have a voting system that provides privacy and independence for visually impaired voters.

39 Required certification. Adds to current law on certifying voting systems. Requires additional certification by an independent testing authority approved by the secretary. Requires the system to conform to standards issued by the Federal Election Commission.

40 Electronic voting systems; experimental use. Lets the secretary approve an experimental electronic voting system to participate in a federal electronic registration and voting demonstration project. Requires the system to comply with the military and overseas voter act. Requires the experimental system to be valid for all election purposes.

41 Agreements. By January 1, 2004, requires the secretary to enter an agreement with (1) the commissioner of health for electronic transfer of death records, (2) the state court administrator for electronic transfer of guardianship and felony conviction records, and (3) the commissioner of public safety for electronic transfer of driver's license records.

42 Reimbursement. Requires the secretary to reimburse the commissioner of public safety for costs incurred in implementing HAVA.