HOUSE RESEARCH
Bill Summary

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Overview

This bill makes technical changes in election laws, including amendments to conform to the federal Help America Vote Act. It also puts in statute a number of rules for which rule changes could not be made in time for the 2004 election.

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1 **Statewide registration system.** Requires a "single, interactive" voter registration system. Conforms wording to HAVA section 303 (a)(1)(A).

2 **Form.** Adjusts form of the voter registration application to conform with HAVA requirements, makes changes in existing language of rule 8200.1200 and moves that rule into statutory section (rule is repealed in the bill). New elements: voter's drivers license/state identification/social security partial number and federal post card application language are from HAVA. Voter e-mail address and interest in being an election judge are also new. Everything else is in the current rule.

3 **Registration by mail.** Adds a new subdivision to section 201.071 that repeats the substance of the first sentence of current section 201.061, subdivision 1.

4 **Approved proof of identification.** Adds a new subdivision that indicates acceptable identification for a voter voting for the first time in this state for federal office (HAVA requirement). Lists items acceptable in current law. Also adds a valid drivers learner permit, a receipt for a learners permit or state identification, a current student registration card, or a notice of late registration.

Provides alternatives for individuals who do not have photo identification showing current

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address: a drivers license, passport, military identification, student identification card, or a current utility bill showing an address in the precinct.

Provides in statute the procedure for a postsecondary institution to certify a list of resident students. Current section 201.061, subdivision 3 directs this process to be covered by rules.

5   **Completing registration.** If a voter registers by mail and has not previously voted here for a federal office, the voter must provide one of the proofs of identification in section 4. Otherwise, the county auditor must give the voter these options: (1) give the auditor approved proof of identification, (2) give election judges on election day such proof, (3) register in person before or on election day, or (4) register as part of voting absentee.

6   **Deficient registration.** Changes "voter registration card" to "voter registration application." Provides that a registration is not deficient if it contains the voter's current and valid drivers license or state identification number or last four digits of the voter's social security number.

7   **Deficient identification of residence.** Provides that voter registration for certain voters is deficient until the voter provides current photo identification or one of several specified documents containing the voter's name and address. Requires a notation on the permanent voter record when the deficiency is corrected.

8   **Properly completed registration.** Puts into statute the content of rule 8200.2600. Adds that the auditor must mail notice to every voter who provided a change of address.

9   **Registration files.** Changes "registration cards" to "applications." Provides that the secretary of state, as well as the county auditor, is in control of the statewide registration system. Requires inactive registration records to be retained for 22 months.

10   **Public information lists.** Provides that public information lists are not to include any part of the voter's drivers license or social security number. Provides that the list may be accessed by the public at the auditor's office. Provides that a public information list may be available for purchase from the secretary. Requires the public list not to include anyone who is under court-ordered protection.

11   **School elections.** Permits secretary of state to grant permission to school districts to use the voter registration system. Clarifies that school districts must use information from the voter registration system in conducting elections.

12   **Precinct boundaries changed.** Provides that when county auditors notify the secretary of state of precinct boundary changes, either the secretary or the auditor, if the secretary delegates this, will update the voter registration system.

13   **Auditor's random notification.** Moves text of rule 8200.2700 to statute. Requires random notification to five percent of election day registrants. The rule required sending notice to three percent of registrants.

14   **Commissioner of health.** Amends current law on forwarding death reports to the secretary of state. Requires the Health Department to send reports electronically. Allows the secretary to change the statewide registration system if there is a single exact match. Lets the secretary designate the county auditor to modify the system.

15   **State court administrator.** Eliminates reports of name changes coming from all district courts, and instead allows for a centralized reporting system from the state court administrator to the secretary of state. Provides that lists for each county will be provided to the auditors by the secretary of state. Allows for reporting to be done electronically.

16   **District judge.** Updates language on guardianship reporting to match the guardianship law changes made in 2003. Provides that either the secretary of state or the auditor may make the necessary voter registration record changes.

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17	**Drivers license.** Eliminates language referencing rules, as the rule text has now been moved to statute and the rule is repealed by the bill.
18	**Costs.** Clarifies that the secretary of state only pays costs for rosters and master lists if printed by the secretary of state.
19	**Verification; discrepancies.** Provides language in state law conforming to the verification requirements under section 303 of HAVA. Provides for re-verification if a change is made in drivers license, identification or social security number, or name, address, or birth date information.
20	**Notification of deficient registration.** Moves text of rule 8200-2900 into statute, makes changes to conform to HAVA in that text. Rule is repealed in the bill.
21	**Notice of challenge removal.** Moves text of rule 8200-3550 into statute. Makes conforming changes to the 2003 guardianship law. Rule is repealed in the bill.
22	**Change of residence.** Moves text of rule 8200.3600 into statute. Changes text to change reference from reregistration to updating the registration, consistent with other changes in this bill. Rule is repealed in the bill.
23	**National Voter Registration Act.** Moves text of rule 8200.3900 into statute. Makes changes to text to conform to HAVA by including new requirements in the NVRA for whether the voter is a citizen and will be 18 years of age by election day. Rule is repealed in the bill.
24	**Procedures for polling place rosters.** Requires rosters to include any information the secretary prescribes to permit election judges to perform their duties. Requires auditors to keep rosters for 22 months.
	Requires an indicator on the roster to note if a voter was challenged. Allows omitting the address of a voter whose address cannot be included in public information lists. Requires each page of the roster to state the certification each voter must make (citizenship, age, residence, etc.)
	Requires one or more pages for election day registrants.
	Requires the secretary of state to develop methods of producing rosters and to provide them to the county auditor on paper, computer type, or other electronic media.
25	**Presidential ballot.** Moves from rule 8210.0100 text on presidential ballot application, instructions, and envelope, as required by federal law and modified by state guardianship law changes in 2003. Rule is repealed in the bill.
26	**Application procedures.** Strikes rule on form of absentee ballot application and instruction. Requires the secretary of state to have electronic examples available by January 1 of every even-numbered year. Requires registration officials to obtain missing information, to notify in writing any voter whose application is rejected for missing information, and to send a new application.
27	**Alternate form of registration.** Permits an unregistered voter to vote by absentee ballot by including a completed voter registration application with the ballot.
28	**Permanent illness or disability.** Adds that voters who have permanent illness or disability are exempt from the mail-in registration requirements. (This exemption is pursuant to HAVA, section 303(b)(3)(C).)
29	**Permanent application.** Moves text of rule 8210.0200, subpart 4 to statute. Bill repeals the rule.
30	**Application form.** Moves text of rule 8210.0200 (except absentee voting without

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qualification, which is obsolete) to statute. Makes changes to add the new HAVA required information.

31 **Applications from challenged voters.** Moves text of rule 8210.0225 into statute. Incorporates into statute an attorney general's opinion suggesting that notice of deficiencies and registration materials must be sent to absentee ballot applications listed as challenged.

32 **Registration check.** Provides that if the voter registration of an absentee ballot applicant is deficient because it has not yet been fully documented pursuant to HAVA, the absentee ballot applicant must be sent a voter registration application.

33 **Special postal services.** Provides that a county auditor may send materials by private courier if paid by the applicant.

34 **Return and ballot envelopes.** Provides that county auditors handling absentee ballot applications from within an Indian reservation will provide information on the use of tribal identification as a form of proof of residency.

35 **Instructions to absentee voter.** Moves text of rule 8210.0500 to statute. Subdivision 4 makes changes to conform to new HAVA requirements about those who are abroad and eligible to vote in presidential elections only. Adds advice about the effect of multiple votes for one office, crossing party lines in a partisan primary, and how to request a replacement ballot.

36 **Statement of absentee voter.** Tracks rule 8210.0600.

37 **Military and overseas voters.** Provides instructions for these absentee voters.

38 **Domestic absentee ballot return envelope specifications.** Moves text of rule 8210.0700 to statute; rule repealed.

39 **Military absentee ballot return envelope specifications.** Differs from content of rule 8210.0800, which is repealed in the bill.

40 **Generally.** Allows the county auditor to designate election judges for health care facility visits if the local municipal clerk does not conduct absentee ballot functions. Authorizes school district clerk to deliver absentee ballots to health care facilities.

41 **Examination of return envelope.** Amends military voting statute to count the last received absentee ballot, if more than one ballot is received from a voter.

42 **Challenges.** Authorizes the county auditor to notify the person who requested an absentee ballot on behalf of a military or overseas person of a challenge.

43 **Back of return envelope.** Adds the HAVA prescribed Federal oath, (see HAVA section 705, UOCAVA section 101) to the return envelope for military and overseas voters. Puts rule 8210.0800 in statute, changes the oath to conform to federal law oath and repeals rule.

44 **Mailing ballots.** Allows a military or overseas absentee voter to receive another set of ballots if the first set was lost in transit or spoiled. Parallels language for other absentee voters. Express mail/private prepaid courier envelopes may be used.

45 **Duties of election judges.** Requires election judges to reject a military absentee ballot submitted by someone not on the list of those who were sent such ballots.

Specifies what missing information on a military absentee return envelope would prevent counting the ballot.

Requires election judges to return records of military absentee ballots to the county auditor or municipal clerk.

46 **Separate precincts.** Allows combining two contiguous precincts in a municipality if they contain fewer than 100 requested voters. Allows depositing all ballots from multiple

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precincts to be deposited in a single ballot box if a single electronic tabulator is used for these precincts.

47   **Access by elderly and handicapped.** Conforms door width to the standard 32 inches. Consistent with Minnesota ADA/Building Code Rules.

48   **Polling places.** Adds mechanisms in the polling place to aid voters filling out forms. Removes requirement that booths have doors or curtains. Clarifies ballot boxes are needed for paper ballots.

49   **Trained election judges.** Adds a requirement for training election judges by the head judge in precincts where less than 100 individuals voted at the last state general election.

50   **Instruction posters.** Adds voting information requirements from HAVA section 302(b).

51   **Procedure.** Adds that a voter who is challenged or has a deficient mail-in registration must be sent non-registered absentee ballot materials for an election by mail.

52   **Mail balloting.** Moves text of rule 8210.3000 to statute with minor changes, including some required by HAVA.

53   **Individuals allowed in polling place.** Allows voters completing a complaint form to remain in the polling place, consistent with HAVA section 402.

54   **Permanent registration.** Conforms to 2003 guardianship change. Provides for the roster to include a statement of the penalty for giving false information.

55   **Information requirements.** Moves text of rule 8230.3950 and 8230.4050 to statute and clarifies that summary statement procedures for paper ballot precincts, central count, and tabulators are the same. The summary statement materials in clauses (e), (f), and (h) are not in current rule.

56   **Inspection of polling place rosters.** Moves text of rule 8200.9120 to statute and adds, consistent with current law, that county auditors must conceal the address of any individual who is under court ordered protection.

57   **Procedures following close of polls.** Moves text of rule 8230.1150 to statute.

58   **Distribution of summary statements.** Moves text of rule 8230.4050 to statute.

59   **Certificate of election judges.** Moves text of rule 8230.2150 to statute.

60   **Emergency voting card.** Moves text of rule 8200.3800 to statute.

61   **Certification of names.** Lets the secretary of state electronically notify auditors of the names of candidates who will be on the ballot.

62   **Filing with the secretary.** Same as section 61. Applies to special primary candidates.

63   **Election results reporting system.** Requires municipal election officials to enter candidates, offices, and questions to be voted on, into the state election results reporting system. For purposes of export of files to vendors for optical scan ballots.

64   **Election results reporting system.** Requires auditors and municipal clerks to enter municipal question and office votes into the statewide system.

65   **Election results reporting system.** Same as section 63; applies to school district clerks.

66   **Election results reporting system.** Same as section 64; applies to school elections.

67   **Spoiled ballot.** Moves text of rule 8230.0850 to statute and adds more protection of privacy of voter.

68   **General provisions for electronic system voting.** Removes a requirement that a voter can't remain in the voting booth more than three minutes. Provides there is no time limit for a voter with disabilities.

69   **Repealer.** Repeals: (1) rules that are enacted into law by the bill, and (2) obsolete provision on experimental absentee voting.

70   **Effective date.** Immediate.