

COMMITTEE ACTION ON A BILL
[For use when taking action on the green jackets]

Committee/Division/Subcommittee: Elections

Chairperson: Raymond Dehn

CLA: Yngya Sana Room#: S37A Ext: 61761

H.F. 1328 S.F. _____ ENGROSSMENT _____ Hearing date: 3/4/2020

DIVISION/SUBCOMMITTEE ACTION ONLY

- Recommended the bill be returned to the Committee on with a Government without amendment
- Recommended the bill, as amended, be returned to the Committee on Operations
- Recommended the bill be returned to the Committee on with a recommended re-referral to the Division on
- Recommended the bill, as amended, be returned to the Committee on with a recommended re-referral to the Division on

COMMITTEE ACTION

- Unamended and recommended to be re-referred to the committee on _____
- Amended and re-referred to the committee on _____

GENERAL REGISTER

- Recommended the bill be placed on the General Register (unamended):
- Recommended the bill be amended and placed on the General Register.

WITHOUT RECOMMENDATION:

- Reported to the House without recommendation (unamended).
- Reported to the House, as amended, but without further recommendation.
- Be re-referred to the Committee on _____ but without further recommendation.
- Be re-referred, as amended, to the Committee on _____ but without further recommendation.

Non amended action: attach one copy of bill

Amended action: Attach two (2) copies of bill and one copy of each adopted amendment(s), numbered in the order they were adopted. Amendment(s) should be clearly marked "ADOPTED."

Division action form on colored paper

Approved by
Revisor of Statutes

JRM

- 1.1 Dehn from the Subcommittee on Elections to which was referred:
- 1.2 H. F. No. 1328, A bill for an act relating to elections; providing for automatic voter
- 1.3 registration of applicants for a driver's license, instruction permit, or identification card;
- 1.4 appropriating money; amending Minnesota Statutes 2018, sections 13.607, by adding a
- 1.5 subdivision; 201.161.
- 1.6 Reported the same back with the following amendments:
- 1.7 Delete everything after the enacting clause and insert:
- 1.8 "Section 1. Minnesota Statutes 2018, section 201.054, is amended by adding a subdivision
- 1.9 to read:
- 1.10 Subd. 1a. Preregistration. Any individual who is otherwise qualified to register and is
- 1.11 16 years of age or older may preregister and update the individual's preregistered information
- 1.12 by any means authorized for individuals 18 years of age or older. Upon reaching 18 years
- 1.13 of age, the individual must be registered to vote by the county auditor.
- 1.14 Sec. 2. Minnesota Statutes 2018, section 201.061, is amended by adding a subdivision to
- 1.15 read:
- 1.16 Subd. 1b. Automatic voter registration. An individual may be automatically registered
- 1.17 to vote as provided in section 201.072.
- 1.18 Sec. 3. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:
- 1.19 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
- 1.20 contain the same information unless otherwise provided by law. A voter registration
- 1.21 application must contain spaces for the following required information: voter's first name,
- 1.22 middle name, and last name; voter's previous name, if any; voter's current address; voter's
- 1.23 previous address, if any; voter's date of birth; voter's municipality and county of residence;
- 1.24 voter's telephone number, if provided by the voter; date of registration; current and valid

- 2.1 Minnesota driver's license number or Minnesota state identification number, or if the voter
- 2.2 has no current and valid Minnesota driver's license or Minnesota state identification, the
- 2.3 last four digits of the voter's Social Security number; and voter's signature. The paper
- 2.4 registration application may include the voter's e-mail address, if provided by the voter. The
- 2.5 electronic voter registration application must include the voter's e-mail address. The
- 2.6 registration application may include the voter's interest in serving as an election judge, if
- 2.7 indicated by the voter. The application must also contain the following certification of voter
- 2.8 eligibility:
- 2.9 "I certify that I:
- 2.10 (1) will be at least 18 years old on election day ~~am~~ at least 16 years old and understand
- 2.11 that I may not vote unless I am at least 18 years old on the date of an election;
- 2.12 (2) am a citizen of the United States;
- 2.13 (3) will have resided in Minnesota for 20 days immediately preceding election day;
- 2.14 (4) maintain residence at the address given on the registration form;
- 2.15 (5) am not under court-ordered guardianship in which the court order revokes my right
- 2.16 to vote;
- 2.17 (6) have not been found by a court to be legally incompetent to vote;
- 2.18 (7) have the right to vote because, if I have been convicted of a felony, my felony sentence
- 2.19 has expired (been completed) or I have been discharged from my sentence; and
- 2.20 (8) have read and understand the following statement: that giving false information is a
- 2.21 felony punishable by not more than five years imprisonment or a fine of not more than
- 2.22 \$10,000, or both."
- 2.23 The certification must include boxes for the voter to respond to the following questions:
- 2.24 "(1) Are you a citizen of the United States?" and
- 2.25 "~~(2) Will you be 18 years old on or before election day~~ Are you at least 16 years old,
- 2.26 and do you understand that you are not eligible to vote at an election until you are 18 years
- 2.27 old?"
- 2.28 And the instruction:
- 2.29 "If you checked 'no' to either of these questions, do not complete this form."
- 2.30 The form of the voter registration application and the certification of voter eligibility
- 2.31 must be as provided in this subdivision and approved by the secretary of state. Voter

- 3.1 registration forms authorized by the National Voter Registration Act must also be accepted
- 3.2 as valid. The federal postcard application form must also be accepted as valid if it is not
- 3.3 deficient and the voter is eligible to register in Minnesota.
- 3.4 An individual may use a voter registration application to apply to register to vote in
- 3.5 Minnesota or to change information on an existing registration.

3.6 **Sec. 4. [201.072] AUTOMATIC VOTER REGISTRATION.**

- 3.7 **Subdivision 1. Identification of United States citizens.** Any individual who appears
- 3.8 at an office of the Department of Public Safety or a deputy registrar in order to apply for,
- 3.9 replace, renew, or change the address on a driver's license or identification card, and who
- 3.10 provides documentation demonstrating United States citizenship shall be confirmed in the
- 3.11 Department of Public Safety database as meeting the citizenship requirement for eligibility
- 3.12 to vote. Nothing in this section shall be construed to amend the substantive qualifications
- 3.13 for voter registration in this state, or to require documentary proof of citizenship for voter
- 3.14 registration.
- 3.15 **Subd. 2. Transfer of information for eligible applicants.** Except as provided in
- 3.16 subdivision 4, for each individual who is confirmed in the Department of Public Safety
- 3.17 database as meeting the citizenship requirement for eligibility to vote, is not registered to
- 3.18 vote, and is of sufficient age to register or preregister to vote, the Department of Public
- 3.19 Safety shall provide to the secretary of state the minimum information necessary to enable
- 3.20 county auditors to determine the voter eligibility of the applicant and to register the applicant
- 3.21 to vote. This information shall be transmitted electronically on a daily basis and in a format
- 3.22 agreed upon by the Department of Public Safety and the secretary of state.

- 3.23 **Subd. 3. Transfer of data from secretary of state to county auditor.** Upon receiving
- 3.24 an electronic record for an individual who is not registered or preregistered to vote, is of
- 3.25 sufficient age to register to vote, and has demonstrated United States citizenship, the secretary
- 3.26 of state shall determine if the voter is eligible to vote pursuant to the reporting required by
- 3.27 section 201.145 and, if so, provide the record to the auditor of the county in which the
- 3.28 individual resides. If the secretary of state determines that an individual under this section
- 3.29 is ineligible to register to vote, the secretary of state shall not transmit that individual's
- 3.30 information. The secretary of state shall mail any individual whose record indicates a lack
- 3.31 of eligibility to register to vote a notice advising the individual of their ineligibility. If the
- 3.32 record received from the secretary of state is not complete for purposes of voter registration,
- 3.33 the county auditor must ask the individual to provide the necessary additional information
- 3.34 consistent with section 201.121.

- 4.1 Subd. 4. **Registration receipt; opportunity to decline.** (a) For any individual who has
- 4.2 demonstrated United States citizenship and provided the minimum information to register
- 4.3 to vote, the Department of Public Safety or deputy registrar shall provide a written receipt
- 4.4 containing the information required under this subdivision after the licensing transaction is
- 4.5 complete, in a form to be prescribed by the secretary of state. The receipt shall state that
- 4.6 the individual will be registered or preregistered to vote based on the information provided
- 4.7 and must contain a return form addressed to the appropriate county auditor by which the
- 4.8 individual may decline to be registered or preregistered. The notice must include an
- 4.9 explanation of the eligibility requirements to register to vote and a statement that, if the
- 4.10 individual is not eligible or does not want to be registered or preregistered to vote, the
- 4.11 individual should decline to register either by returning the declination form to the
- 4.12 Department of Public Safety, the deputy registrar, or to the appropriate county auditor.
- 4.13 (b) If an individual declines to register or preregister to vote by returning the receipt
- 4.14 provided under this subdivision to the Department of Public Safety or deputy registrar on
- 4.15 the same day the individual receives it, the Department of Public Safety or registrar shall
- 4.16 not transmit the individual's information to the secretary of state. If the individual fails to
- 4.17 return the receipt on the same day the individual receives it, and the information transmitted
- 4.18 by the secretary of state is complete, the appropriate county auditor shall register or
- 4.19 preregister the individual as of the date of the individual's application at the Department of
- 4.20 Public Safety.
- 4.21 (c) If an individual returns the receipt provided under this subdivision by mail to the
- 4.22 appropriate county auditor and declines to be registered or preregistered, the registration
- 4.23 record must be deleted, and the individual is deemed to have never registered or preregistered.
- 4.24 However, if the individual votes in an election after the transfer of the individual's record
- 4.25 but before the notice is returned, the return form is of no effect and the individual remains
- 4.26 registered or preregistered as of the date of the individual's application with the Department
- 4.27 of Public Safety. If an individual returns a receipt provided under this subdivision without
- 4.28 marking the option to decline, the returned form is of no effect.
- 4.29 (d) Any individual's choice to decline to register or preregister to vote is private data on
- 4.30 individuals, as defined in section 13.02, subdivision 12.
- 4.31 Subd. 5. **Change or confirmation of address.** (a) For each individual who appears at
- 4.32 an office of the Department of Public Safety or deputy registrar in order to apply for, replace,
- 4.33 renew, or change the address on a driver's license or identification card, who is already
- 4.34 registered or preregistered to vote, the Department of Public Safety shall forward a notice
- 4.35 to the secretary of state of the individual's name; current address; former address, if any;

- 5.1 and any other information the secretary of state determines appropriate. This information
- 5.2 shall be transmitted electronically on a daily basis and in a format agreed upon by the
- 5.3 Department of Public Safety and the secretary of state.
- 5.4 (b) If the Department of Public Safety or deputy registrar cannot determine whether an
- 5.5 individual is already registered or preregistered to vote, the individual's information must
- 5.6 be transmitted to the secretary of state for further review. For any registered or preregistered
- 5.7 voter whose information fully matches an existing registration record, the secretary of state
- 5.8 shall mark the date in the statewide voter registration system that the voter's information
- 5.9 was confirmed. No registered voter shall be designated inactive pursuant to section 201.171
- 5.10 due to failure to vote for five years after such confirmation was recorded in the statewide
- 5.11 voter registration system. If a registered or preregistered voter's information was confirmed
- 5.12 pursuant to this subdivision after a notice was sent under section 201.12, the "inactive" or
- 5.13 "challenged" designation shall be removed from the voter's record.
- 5.14 (c) For any registered or preregistered voter who appears in the above data transmission
- 5.15 and whose name, address, or other transmitted information does not match such voter's
- 5.16 existing registration record, the secretary of state shall transmit sufficient information to
- 5.17 the appropriate county auditor to ensure that the registration record is updated and the voter
- 5.18 is properly registered to vote at the current address.
- 5.19 (d) The secretary of state may adopt rules as necessary to implement this subdivision.
- 5.20 Subd. 6. **Automatic registration at other agencies.** (a) Upon a determination by the
- 5.21 secretary of state that any agency of state, tribal, or local government in the state collects
- 5.22 sufficient information to identify clients, applicants, or any other citizens who interact with
- 5.23 the agency who are eligible to register or preregister to vote, the secretary of state may
- 5.24 designate such agency to participate in the automatic voter registration system in consultation
- 5.25 with and with consent from the agency. The procedures for automatic voter registration at
- 5.26 such agencies shall be prescribed by the secretary of state with the agreement of the agency
- 5.27 and shall follow the requirements of subdivisions 1 to 5 to the extent practicable.
- 5.28 (b) Any agency that does not collect sufficient information to determine whether some
- 5.29 or all clients are eligible to vote may, with agreement of the agency and the secretary of
- 5.30 state, electronically collect and transmit the information of any individual who chooses to
- 5.31 register to vote. The applicants must complete the certification of eligibility described by
- 5.32 section 201.071, subdivision 1. The procedures for automatic voter registration at these
- 5.33 agencies shall be prescribed by the secretary of state and shall follow the requirements of
- 5.34 subdivisions 1 to 5 to the extent practicable.

- 6.1 Subd. 7. Data security. The secretary of state shall provide adequate technological
- 6.2 security measures to prevent unauthorized access to the computerized statewide voter
- 6.3 registration list. The secretary of state shall also establish adequate and reasonable
- 6.4 technological security requirements for the exchange or transfer of data related to voter
- 6.5 registration between the secretary of state and source agencies. Before commencing any
- 6.6 data exchange or transfer required under this chapter and no later than the date such exchange
- 6.7 or transfer is required to begin, any source agency shall adhere to the technological security
- 6.8 requirements established by the secretary of state.
- 6.9 Subd. 8. Required report. The secretary of state shall produce an annual report on voter
- 6.10 registration that includes:
- 6.11 (1) the number of records transferred to the secretary of state under this section, by
- 6.12 source agency;
- 6.13 (2) the number of voters newly added to the statewide voter registration system because
- 6.14 of records transferred, by source agency;
- 6.15 (3) the number of voters in the statewide voter registration system whose information
- 6.16 was updated because of records transferred, by source agency and type of information
- 6.17 updated;
- 6.18 (4) the number of individuals who were eligible to register or preregister to vote who
- 6.19 declined voter registration, by source agency;
- 6.20 (5) for each category of information, a breakdown by gender and age of the individuals
- 6.21 whose information is included in the category;
- 6.22 (6) information on the implementation of audits, security, and privacy protocols; and
- 6.23 (7) any efforts the secretary of state and source agencies plan to make to improve the
- 6.24 efficiency and effectiveness of the voter registration process, by source agency.
- 6.25 Any report produced under this section shall exclude any individual identifying information.
- 6.26 A copy of the report must be provided to the chairs and ranking minority members of the
- 6.27 legislative committees with jurisdiction over elections policy no later than January 15 of
- 6.28 each year.
- 6.29 Subd. 9. Penalties. Unless an individual who is ineligible to register or preregister to
- 6.30 vote intentionally takes voluntary action to register to vote knowing that the individual is
- 6.31 not eligible to register or preregister, the transfer of the individual's electronic record to the
- 6.32 secretary of state pursuant to subdivision 2 does not constitute the completion of a voter
- 6.33 registration form by that individual, the failure to decline shall not be considered a false

7.1 material statement, and that individual shall not be considered to have registered to vote,
7.2 made a false claim to United States citizenship, or submitted a false voter registration. If
7.3 such a registration is processed by the secretary of state or a county auditor, it is presumed
7.4 to have been officially authorized by the state and the individual is not subject to any penalty
7.5 under this chapter or other applicable law.

7.6 Sec. 5. Minnesota Statutes 2018, section 201.12, subdivision 2, is amended to read:

7.7 Subd. 2. **Moved within state.** (a) If any nonforwardable mailing from an election official
7.8 is returned as undeliverable but with a permanent forwarding address in this state, the county
7.9 auditor may change the voter's status to "inactive" in the statewide registration system and
7.10 shall transmit a copy of the mailing to the auditor of the county in which the new address
7.11 is located. If an election is scheduled to occur in the precinct in which the voter resides in
7.12 the next 47 days, the county auditor shall promptly update the voter's address in the statewide
7.13 voter registration system. If there is not an election scheduled, the auditor may wait to update
7.14 the voter's address until after the next list of address changes is received from the secretary
7.15 of state. Once updated, the county auditor shall mail to the voter a notice stating the voter's
7.16 name, address, precinct, and polling place, except that if the voter's record is challenged
7.17 due to a felony conviction, noncitizenship, name change, incompetence, or a court's
7.18 revocation of voting rights of individuals under guardianship, the auditor must not mail the
7.19 notice. The notice must advise the voter that the voter's voting address has been changed
7.20 and that the voter must notify the county auditor within 21 days if the new address is not
7.21 the voter's address of residence. The notice must state that it must be returned if it is not
7.22 deliverable to the voter at the named address.

7.23 (b) Notwithstanding this subdivision, a voter must not be designated "inactive" if the
7.24 address on the voter's registration record has been confirmed or changed within the state
7.25 pursuant to section 201.072, subdivision 5, after the date of the mailing that was returned
7.26 as undeliverable.

7.27 Sec. 6. Minnesota Statutes 2018, section 201.12, subdivision 3, is amended to read:

7.28 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official
7.29 is returned as undeliverable but with a permanent forwarding address outside this state, the
7.30 county auditor shall promptly mail to the voter at the voter's new address a notice advising
7.31 the voter that the voter's status in the statewide voter registration system will be changed to
7.32 "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining
7.33 the former address as the voter's address of residence. If the voter's record is challenged due

8.1 to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered
8.2 revocation of voting rights of persons under guardianship, the county auditor must not mail
8.3 this notice. If the notice is not received by the deadline, the county auditor shall change the
8.4 voter's status to "inactive" in the statewide voter registration system except that a voter must
8.5 not be designated "inactive" under this subdivision if the address on the voter's registration
8.6 record has been confirmed or changed within the state pursuant to section 201.072,
8.7 subdivision 5, after the date of the mailing that was returned as undeliverable.

8.8 Sec. 7. Minnesota Statutes 2018, section 201.12, subdivision 4, is amended to read:

8.9 Subd. 4. **Challenges.** (a) If any nonforwardable mailing from an election official is
8.10 returned as undeliverable but with no forwarding address, the county auditor shall change
8.11 the registrant's status to "challenged" in the statewide voter registration system. An individual
8.12 challenged in accordance with this subdivision shall comply with the provisions of section
8.13 204C.12, before being allowed to vote. If a notice mailed at least 60 days after the return
8.14 of the first nonforwardable mailing is also returned by the postal service, the county auditor
8.15 shall change the registrant's status to "inactive" in the statewide voter registration system.

8.16 (b) Notwithstanding this subdivision, a voter must not be designated "inactive" if the
8.17 address on the voter's registration record has been confirmed or changed within the state
8.18 pursuant to section 201.072, subdivision 5, after the date of the mailing that was returned
8.19 as undeliverable.

8.20 Sec. 8. Minnesota Statutes 2018, section 201.161, is amended to read:

8.21 **201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.**

8.22 (a) For any applicant who is not automatically registered to vote under section 201.072,
8.23 the Department of Public Safety shall change its applications for an original, duplicate, or
8.24 change of address driver's license or identification card so that the forms may also serve as
8.25 voter registration applications. The forms must contain spaces for all information collected
8.26 by voter registration applications prescribed by the secretary of state.

8.27 (b) Applicants for driver's licenses or identification cards who are not automatically
8.28 registered to vote under section 201.072 must be asked if they want to register to vote at
8.29 the same time and that information must be transmitted at least weekly by electronic means
8.30 to the secretary of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252,
8.31 the computerized driver's license record containing the voter's name, address, date of birth,
8.32 driver's license number or state identification number, county, town, and city must be made
8.33 available for access by the secretary of state and interaction with the statewide voter

9.1 registration system. This paragraph does not apply to any applicant who provides an identity
9.2 document at the time of the applicant's transaction that demonstrates a lack of United States
9.3 citizenship.

9.4 Sec. 9. Minnesota Statutes 2018, section 201.171, is amended to read:

9.5 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION**
9.6 **REMOVED.**

9.7 Within six weeks after every election, the county auditor shall post the voting history
9.8 for every person who voted in the election. After the close of the calendar year, the secretary
9.9 of state shall determine if any registrants have not voted during the preceding four years.
9.10 The secretary of state shall perform list maintenance by changing the status of those
9.11 registrants to "inactive" in the statewide registration system, except that no individual who
9.12 during the preceding five years was registered to vote under section 201.072, or whose
9.13 address was changed or confirmed under subdivision 5 of that section, shall be designated
9.14 as inactive. The list maintenance performed must be conducted in a manner that ensures
9.15 that the name of each registered voter appears in the official list of eligible voters in the
9.16 statewide registration system. A voter must not be removed from the official list of eligible
9.17 voters unless the voter is not eligible or is not registered to vote. List maintenance must
9.18 include procedures for eliminating duplicate names from the official list of eligible voters.

9.19 The secretary of state shall also prepare a report to the county auditor containing the
9.20 names of all registrants whose status was changed to "inactive."

9.21 Registrants whose status was changed to "inactive" must register in the manner specified
9.22 in section 201.054 before voting in any primary, special primary, general, school district,
9.23 or special election, as required by section 201.018.

9.24 Although not counted in an election, a late or rejected absentee or mail ballot must be
9.25 considered a vote for the purpose of continuing registration under this section, but is not
9.26 considered voting history for the purpose of public information lists available under section
9.27 201.091, subdivision 4."

9.28 Delete the title and insert:

9.29 "A bill for an act

9.30 relating to elections; allowing certain individuals who are 16 years of age or older
9.31 to preregister to vote; providing automatic voter registration; amending Minnesota
9.32 Statutes 2018, sections 201.054, by adding a subdivision; 201.061, by adding a
9.33 subdivision; 201.071, subdivision 1; 201.12, subdivisions 2, 3, 4; 201.161; 201.171;
9.34 proposing coding for new law in Minnesota Statutes, chapter 201."

10.1 With the recommendation that when so amended the bill be returned to the Committee

10.2 on Government Operations.

10.3 This Subcommittee action taken March 4, 2020

10.4 ....., Chair